

Deposition of:

Lamonte Hobbs

July 13, 2020

TIMOTHY McGOVERN

v.

. LUCAS COUNTY, OHIO, et al.

Case No. 3:18-cv-2506



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1 UNITED STATES DISTRICT COURT

2 NORTHERN DISTRICT OF OHIO

3 WESTERN DIVISION

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6 TIMOTHY McGOVERN,

7 Plaintiff,

8 vs.

9 LUCAS COUNTY, OHIO, et al.,

10 Defendants.

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15 Videoconference
Deposition of: LAMONTE HOBBS

16 Pursuant to: Notice

17 Date and Time: Wednesday, July 13, 2020
9:03 a.m.

18 Place: Robison, Curphey
& O'Connell, LLC
19 433 North Summit Street
Toledo, Ohio 43604

20 Reporter: Wendy Scott
(via videoconference)
21 Notary Public - State
of Ohio

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1 I N D E X

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3 LAMONTE HOBBS PAGE

4 EXAMINATION BY MR. GERHARDSTEIN 6

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8 EXHIBITS MARKED REFERENCED

9 PLAINTIFF'S EXHIBIT 8 17 17

PLAINTIFF'S EXHIBIT 9 21 21

10 PLAINTIFF'S EXHIBIT 10 40 40

PLAINTIFF'S EXHIBIT 11 42 42

11 PLAINTIFF'S EXHIBIT 12 46 46

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1 THE REPORTER: This is the remote
2 deposition of Lamonte Hobbs.

3 Would counsel and everyone present in
4 each room please identify yourself for the
5 record?

6 MR. GERHARDSTEIN: Al Gerhardstein for
7 the plaintiff.

8 MR. RANAZZI: Andy Ranazzi for the
9 Lucas County Prosecutor's Office, on behalf
10 of the Lucas County defendants, including
11 Sheriff John Tharp's office.

12 MS. HENDERSON: Kayla Henderson for
13 Lamonte Hobbs.

14 MR. LAVALETTE: Peter Lavalette, also
15 for Mr. Hobbs.

16 MS. YOUNG: And Jeanne Young,
17 prosecutor's office paralegal.

18 THE REPORTER: The witness has shown
19 the reporter identification, and I have the
20 physical address so I can verify identity
21 and notary venue.

22 Does everyone understand that this
23 deposition is being taken remotely and that
24 a remote oath will be administered by me, a
25 stenograph reporter, who is also a notary in

1 the State of Ohio?

2 MR. GERHARDSTEIN: Yes.

3 MS. HENDERSON: Yes.

4 MR. RANAZZI: Yes.

5 MR. LAVALETTE: Yes.

6 THE REPORTER: Thank you.

7 LAMONTE HOBBS

8 a defendant herein, having been duly sworn, was

9 examined and deposed as follows:

10 EXAMINATION

11 BY MR. GERHARDSTEIN:

12 Q. Okay. State your name, please.

13 Mr. Hobbs?

14 A. Lamonte Hobbs.

15 Q. And what's your highest level of
16 education?

17 A. College.

18 Q. What degree do you have?

19 A. Associate's degree.

20 Q. In what field?

21 A. Criminal justice.

22 Q. When? When did you get it?

23 A. 2004.

24 Q. And what institution?

25 A. Owens Community College.

1 Q. Where is that?

2 A. Ohio, in Toledo, Ohio, and Oregon. I'm
3 not for sure of the specific city. I don't know
4 if that's Oregon or Perrysburg.

5 Q. And prior to 2004, did you have any
6 employment? Where did you work?

7 A. I did security for Best Buy stores
8 prior to 2004.

9 Q. When was -- what was the dates of that
10 employment?

11 A. May of 2001 to 2004 maybe.

12 Q. Any employment before Best Buy?

13 A. Just self-employed.

14 Q. What did you do on your own?

15 A. Cut hair.

16 Q. Were you licensed?

17 A. Yes.

18 Q. When did you get your hair license?

19 A. '96, '97 maybe.

20 Q. Did you have any other employment
21 beyond cutting hair?

22 A. No.

23 Q. When did you get your job with the
24 county?

25 A. 2005.

1 Q. Is there any employment that you had
2 prior to your county job that you haven't told me
3 about?

4 A. As far as -- I'm not understanding what
5 you're saying, sir.

6 Q. Any employment.

7 A. I mean, I -- from my criminal justice,
8 I've been in the field of security.

9 Q. So prior to your county job, did you
10 have any other security jobs other than Best Buy?

11 A. Sir, I can't remember all the security
12 positions I had prior to getting my criminal
13 justice degree, but I was in the field of
14 security.

15 Q. How many different jobs did you have in
16 security?

17 A. I'll say maybe three or -- three or
18 four security positions.

19 Q. And what does that mean, when you say
20 you were in security? What kind of job is
21 that?

22 A. Some of it was site security. Some of
23 it was watching vacant buildings for customers.
24 Some of it was standing post at a particular
25 location.

1 But it was all in the realm of security
2 work.

3 Q. Do you have any military?

4 A. No.

5 Q. In any of those jobs that you had prior
6 to your county job, were you ever disciplined?

7 A. I can't recall, sir, that far back.

8 Q. Were you ever fired from any of those
9 jobs?

10 A. I can't recall, sir, that far back.

11 Q. So you don't recall if you were fired
12 from a job?

13 A. I remember me quitting, moving on to
14 other jobs, but as far as specifics, I can't
15 recall, sir.

16 Q. Were you ever accused of any dishonesty
17 in any of those jobs prior to the job you had
18 with the county?

19 A. No.

20 Q. Did you have any arrests or convictions
21 other than the one that followed your use of
22 force that is the source of this case?

23 A. No.

24 Q. Ever filed bankruptcy?

25 A. No.

1 Q. Are you married?

2 A. Yes.

3 Q. Any kids?

4 A. Yes.

5 Q. How old?

6 A. Sir, I feel like that's personal and I
7 don't want that on the record.

8 Q. I'm not going to put their names or
9 anything.

10 A. People have access to this stuff, sir,
11 and would like to leave my family out of this,
12 please.

13 Q. How many kids do you have?

14 A. I have two boys and a girl.

15 Q. Were you ever trained on use of
16 force?

17 A. Yes.

18 Q. How did you get your county job?

19 A. I applied, I interviewed, and I was
20 hired.

21 Q. Did you have to take a test?

22 A. State test, yes.

23 Q. What kind of test?

24 A. A state test.

25 Q. What's that mean?

1 A. The state administers a test that you
2 go to OPOTA and take, and they ask you various
3 questions that -- you are licensed based on if
4 you pass or fail.

5 Q. So did you go to an OPOTA training
6 course?

7 A. Correct.

8 Q. And was that for corrections or for --
9 or for something else?

10 A. It was for corrections.

11 Q. Where did you take your OPOTA course?

12 A. Owens Community College.

13 Q. Was that part of your criminal justice
14 degree?

15 A. It was something that the sheriff's
16 office administered.

17 Q. As part of the OPOTA course, you were
18 trained on use of force, right?

19 A. Correct.

20 Q. As part of the OPOTA course, you were
21 trained on subject control, right?

22 A. Correct.

23 Q. When you got the job with the county in
24 2005, did you get any Lucas County specific
25 training for handling inmates?

1 A. I want to say I recall we took a week
2 physical tactics course.

3 Q. Do you have any of the materials that
4 you used in either your OPOTA course or in your
5 Lucas County training?

6 A. I'm sure -- I'm sure they gave us a
7 pamphlet or some kind of booklet.

8 Q. Do you have a copy?

9 A. I currently don't now, but I had a
10 copy.

11 Q. After 2005, did you have any
12 in-services at Lucas County?

13 A. I can't recall anything specifically.
14 We did various different trainings over the
15 years, CPR and different update courses, but I
16 can't recall anything specifically.

17 Q. So from 2005 until your discharge in
18 2017, what jobs did you have at the county?

19 A. I was a floor officer in the jail, and
20 then I worked the booking section.

21 Q. When did you start in booking?

22 A. I can't recall the actual year, sir.
23 2012 maybe.

24 Q. I think in your criminal trial you
25 testified you'd been working in booking about

1 five years, so that would make it 2012.

2 Does that help?

3 A. Yes.

4 Q. So would you agree that on August --
5 I'm sorry.

6 On November 10th, 2017, you were a
7 corrections officer at the Lucas County Jail; is
8 that right?

9 A. Yes.

10 Q. And then on November 10th, 2017, you
11 were working in booking?

12 A. Yes.

13 Q. And on November 10th, 2017,
14 Mr. McGovern was a pretrial inmate in booking at
15 the Lucas County jail, right?

16 A. Yes.

17 Q. Now, he was in an area of booking
18 called D West tank.

19 Does that sound right?

20 A. West D tank, yes.

21 Q. West D tank?

22 What kind of inmates go to West D
23 tank?

24 A. In that particular situation, it was
25 all intoxicated individuals. But on a normal

1 day, anybody can go to the West D module.

2 But on that particular day, it was a
3 tank -- specifically, where everybody that was
4 drunk went to that module.

5 Q. And Mr. McGovern was in that module,
6 West D, at approximately 5:30 in the morning,
7 right?

8 A. Correct.

9 Q. And at or about that time, you used
10 force on Mr. McGovern, on November 10th, 2017,
11 right?

12 A. I removed him from that module, yes.

13 Q. And you used force to remove him from
14 the module, right?

15 A. Yes.

16 Q. And Mr. McGovern suffered injuries to
17 his head and his right elbow during that
18 altercation, right?

19 MR. RANAZZI: Objection. Calls for
20 speculation.

21 BY MR. GERHARDSTEIN:

22 Q. You can answer.

23 A. Sir, I don't know when the injuries
24 occurred.

25 Q. Well, you know that by the time he went

1 into the cell across the way from West D tank, he
2 had injuries to his head and his elbow, right?

3 MR. RANAZZI: I just want to note a
4 continuing objection to this line of
5 questioning on the basis of both it calls
6 for speculation and --

7 MR. GERHARDSTEIN: You don't have to
8 give --

9 MR. RANAZZI: -- presumes facts not in
10 evidence.

11 And I'll object the way I'm going to
12 object, Al.

13 MR. GERHARDSTEIN: No. You don't do
14 talking objections.

15 BY MR. GERHARDSTEIN:

16 Q. Go ahead, Mr. Hobbs.

17 A. Again, sir, I don't know where the
18 abrasions came from.

19 Q. Well, you knew that they arrived on
20 Mr. McGovern as a result of the use of force that
21 Mr. McGovern experienced, right?

22 A. Say that again, sir, please.

23 Q. You know that the abrasions were
24 experienced by Mr. McGovern at some point during
25 the use of force that incurred -- that resulted

1 in him going across the hall to the other cell,
2 right?

3 A. I knew when the nurse came and checked
4 him out that he had a cut on his forehead and a
5 scrape on his elbow.

6 Prior to that, I did not know.

7 Q. Okay. You were criminally charged with
8 assault as a result of the use of force that you
9 engaged in with respect to Mr. McGovern, right?

10 A. That's correct.

11 Q. And you were eventually convicted of
12 assault, right?

13 A. That's correct.

14 Q. Now, there's some exhibits. There is
15 an entry -- do you have the exhibits that you
16 printed out? Do you have the entry?

17 MR. GERHARDSTEIN: And are you going to
18 let me share screen, Wendy?

19 THE REPORTER: Yes.

20 MR. GERHARDSTEIN: All right. Is that
21 happening?

22 THE REPORTER: I don't see it yet.

23 MR. GERHARDSTEIN: Well, okay. Let
24 me --

25 THE REPORTER: Now it is.

1 MR. GERHARDSTEIN: All right.

2 Mr. Hobbs, can you see the entry either on
3 the screen or in the booklet that --

4 THE WITNESS: Yes.

5 MR. GERHARDSTEIN: Okay. So that will
6 be Exhibit 8.

7 (Plaintiff's Exhibit 8 was marked for
8 identification.)

9 MR. GERHARDSTEIN: Because we use a
10 single numbering of exhibits on the
11 plaintiff's side.

12 BY MR. GERHARDSTEIN:

13 Q. And is that the entry that was filed in
14 your criminal case?

15 A. Yes.

16 Q. And would you agree that your sentence
17 for the conviction was 180 days, which was
18 suspended, and probation for a year was imposed,
19 along with 30 hours of community service?

20 A. Yes.

21 Q. Did you complete that probation?

22 A. Yes.

23 Q. Were there any violations?

24 A. No.

25 Q. And where did you do your community

1 service?

2 A. Padua Center.

3 Q. I'm sorry. What was that called?

4 A. Padua Center.

5 Q. And what is that?

6 A. It's a -- it's a house where they do
7 outreach to kids and mentor kids from inner city
8 schools.

9 Q. Were you -- okay. Were you also fired
10 from your job?

11 A. Yes. I was terminated.

12 Q. Did you file a charge of discrimination
13 in connection with your termination?

14 A. Yes.

15 Q. With respect to your termination, did
16 you arbitrate that through the services of the
17 union?

18 A. No.

19 Q. Why not?

20 A. You'll have to call them and ask them
21 that, sir.

22 Q. And with respect to your -- and when
23 you say, you have to call them and ask them that,
24 do you mean --

25 A. The union.

1 Q. Okay.

2 A. Yes.

3 Q. And with respect to the OCRC charge,
4 what happened to that? Was that concluded?

5 A. I'm not understanding your question,
6 sir.

7 Q. Did the Ohio Civil Rights Commission
8 make any ruling on your charge of
9 discrimination?

10 A. They gave me a right to sue letter.

11 Q. And at the time they gave you the right
12 to sue, did they indicate whether they thought
13 there was reasonable cause to believe there was
14 discrimination or not?

15 A. I can't recall what our whole
16 conversation was, sir.

17 Q. And did you file a lawsuit in
18 connection with that charge of discrimination?

19 A. Yes.

20 Q. What court did you file the lawsuit
21 in?

22 A. US District Court.

23 Q. Is that still pending?

24 A. Yes.

25 MR. GERHARDSTEIN: Counsel, I would

1 like the case number to that lawsuit, if you
2 could provide that. Okay?

3 MR. RANAZZI: You can find that out on
4 PACER if you want it right away.

5 MR. GERHARDSTEIN: No. It's okay. I'm
6 sure that you've got it there. I don't need
7 it right away.

8 BY MR. GERHARDSTEIN:

9 Q. By the way, Mr. Hobbs, who represents
10 you in that lawsuit?

11 A. I'd prefer not to say.

12 Q. And is the discovery in that lawsuit
13 concluded?

14 A. Sir, I feel like it's an ongoing
15 investigation, and this line of questioning, I
16 don't see the relevance of it.

17 Q. Well, I'll be the judge of that, if you
18 don't mind.

19 If it involved the same --

20 A. Well --

21 Q. If it involved the same use of force
22 and determination from that -- based on that use
23 of force, it does relate. And I just want to
24 know the status of your case.

25 MR. RANAZZI: Al, can we go off the

1 record for a second? I probably could give
2 you some insight on that.

3 MR. GERHARDSTEIN: Sure.

4 (Off the record.)

5 MR. GERHARDSTEIN: Okay. We're going
6 to share the screen again. Let me go to
7 what was produced as the OCRC case file.
8 And this will be Exhibit 9. It's a 70-page
9 packet.

10 (Plaintiff's Exhibit 9 was marked for
11 identification.)

12 MR. GERHARDSTEIN: Can you see -- are
13 we sharing?

14 THE REPORTER: Not yet.

15 MR. GERHARDSTEIN: Okay. Do I need to
16 do something further to share it?

17 THE REPORTER: No. It looks like it's
18 coming up. I think sometimes it just takes
19 a minute.

20 MR. GERHARDSTEIN: Okay. That's fine.

21 BY MR. GERHARDSTEIN:

22 Q. Mr. Hobbs, I'm showing you what's been
23 marked as Exhibit 9, which is the OCRC case file.
24 And it's Bates numbered 23 within that file.

25 Is that a copy of your charge of

1 discrimination?

2 A. Yes.

3 Q. And then I'm also showing you a copy of
4 page 49 of that packet. And that is a
5 correspondence dated November 28th, 2017, from
6 Sheriff Tharp to you, advising you that you've
7 been terminated, right?

8 Is that correct?

9 A. Correct.

10 MR. RANAZZI: Counsel, just for
11 clarification, that's Bates stamped 49?

12 MR. GERHARDSTEIN: Correct.

13 MR. RANAZZI: But it's page 31 of that
14 actual exhibit?

15 MR. GERHARDSTEIN: Yeah, if you count
16 PDF numbers.

17 MR. RANAZZI: Right.

18 MR. GERHARDSTEIN: 31 would not appear
19 on the --

20 MR. RANAZZI: No. It's Bates stamped
21 49.

22 MR. GERHARDSTEIN: But it's Bates
23 stamped 49, right?

24 BY MR. GERHARDSTEIN:

25 Q. Mr. Hobbs, how many inmates were in

1 West D at the time that you confronted

2 Mr. McGovern?

3 A. I will say between 10 and 12 inmates.

4 Q. And in November of 2017, if an inmate
5 in West D caused a verbal disturbance -- in other
6 words was yelling or making statements that you
7 thought might disrupt the module -- what were
8 your options to handle that?

9 A. There's a lot of different options,
10 sir. It just depends on the scenario.

11 Q. Okay. Well, the scenario is that
12 you've got an inmate making verbal statements
13 that are loud, and you, as the booking officer,
14 thought that maybe they could disrupt the other
15 inmates.

16 What were your options in that
17 scenario?

18 A. You would put them in a single cell --
19 by himself so he couldn't disrupt anyone.

20 Q. And if you chose to put such an inmate
21 in a single cell, did you need the sergeant's
22 permission?

23 A. No.

24 Q. If you chose to put that inmate in a
25 single cell, could you use force to accomplish

1 that transfer?

2 A. Depends on the situation, sir.

3 Q. So if the inmate were to be moved by
4 you to a single cell, just tell me how you would
5 do that --

6 A. Sir, again --

7 Q. -- the steps.

8 A. -- it depends on the situation. Every
9 situation is not the same.

10 Q. Well, normally, would you go to the
11 inmate -- go to the doorway and -- is there a
12 place for the inmate to cuff up, like with
13 presenting his hands through a slot?

14 A. Some cells they do have that. In that
15 particular scenario, there was not that.

16 Q. Okay. So West D did not have a cuff
17 slot?

18 A. No.

19 Q. So in a scenario where you were going
20 to transfer the inmate from West D across the way
21 to a single cell, would you just open the door
22 and order the inmate to cross the hall?

23 A. Again, sir, all situations are
24 different.

25 Q. In a scenario where you are seeking to

1 have an inmate move across the hall into a single
2 cell, would you always cuff the inmate?

3 A. Depends on the situation, sir. No --
4 everyone does not -- to answer your question,
5 everyone does not get cuffed when they get moved.

6 Q. If you --

7 A. But again, it would depend.

8 Sorry.

9 Q. If you chose to cuff the inmate, would
10 you always do that with backup present, or would
11 you also do that sometimes alone?

12 A. Both.

13 Q. Did you receive the sheriff's rule
14 manual when you started at the jail?

15 A. That's correct.

16 Q. And so if we go, within that Exhibit 9,
17 to Bates numbered page 41 -- I don't know if
18 we're sharing yet. Okay.

19 So do you see the policies and
20 procedures on use of force, starting at Bates
21 numbered page 41, Mr. Hobbs?

22 A. I don't have that. All I see is --

23 MR. RANAZZI: It doesn't look like you
24 clicked on the file, Al.

25 (Off the record.)

1 BY MR. GERHARDSTEIN:

2 Q. So the question is, do you see the use
3 of force section within that OCRC packet,
4 starting at Bates numbered page 41?

5 A. I see page 1 of 19, if that's what
6 you're referring to.

7 Q. Yeah. Okay. And that's dated 6/1/09,
8 right?

9 A. Yes.

10 Q. And was that in effect at the time of
11 the use of force on Mr. McGovern, in 2017?

12 A. Yes.

13 Q. And was it -- were you expected to
14 follow the use-of-force rules as a correction
15 officer working in booking?

16 A. Yes.

17 Q. So at the Lucas County jail in 2017,
18 was it consistent with the work rules to use
19 force on an inmate if he said, fuck you, without
20 any physical provocation or a refusal to follow a
21 verbal command?

22 A. I don't think there's anything in the
23 policy about that.

24 Q. Well, what was your understanding of
25 your authorization? Were you allowed, as you

1 understood it, to use force on an inmate for
2 simply saying, fuck you?

3 A. That wasn't the whole basis of the
4 using -- removing him, but -- it wasn't just him
5 using verbal language. That was not my sole
6 reasoning for removing him.

7 Q. And I'll get to the specific incident
8 with Mr. McGovern. But first, I'm just trying to
9 establish some rules of the road.

10 So my question was, at the Lucas County
11 jail in 2017, if an inmate said, fuck you, but
12 didn't do anything else -- no physical
13 provocation or refusal to follow a verbal
14 command -- were you allowed to use force on the
15 inmate because he said, fuck you?

16 A. According to the policy, no.

17 Q. And at the Lucas County jail in 2017,
18 was it consistent with the work rules to use
19 force on an inmate who called a staff member a
20 nigger, without any physical provocation or
21 refusal to follow a verbal command?

22 A. Repeat that again, sir.

23 Q. If the inmate used the N word toward a
24 staff member, but otherwise didn't physically
25 provoke or refuse to follow a verbal command, was

1 that, in and of it itself, enough reason to use
2 force on an inmate?

3 A. According to policy, no.

4 Q. Was there a difference, as you
5 understood it, between the -- between the way in
6 which the work rules were followed and the way
7 they were written, at the Lucas County jail?

8 A. I think there's a difference between
9 policy and reality, and the --

10 Q. Tell me about that.

11 A. It's a reality, and it's a policy.

12 Q. So how did they differ?

13 A. They differ like they would do in
14 everyone's everyday life. It's a policy that's
15 written in black and white, and it's reality,
16 what's really going on.

17 Q. So can you give me an example of how
18 policies that were written differed from the way
19 your actual interaction with inmates was
20 experienced, in November of 2017 at the Lucas
21 County jail?

22 A. Again, sir, you have a policy that's
23 written, but you have actual reality where -- a
24 policy doesn't cover a billion different
25 scenarios. Policy don't cover that, but reality

1 does.

2 Q. Well, I understand what you said at
3 what level, I'm just trying to get an example of
4 what you mean.

5 A. An example of what I mean of what, sir?
6 A policy or --

7 Q. Of how it -- how they differ.

8 A. I mean, nothing is never black and
9 white. And what I mean by black and white, I
10 mean as policy. It doesn't -- it doesn't happen
11 that way in that particular setting.

12 Q. Now, the policy called for a supervisor
13 to be involved in any cell transfer, right?

14 A. Again, sir, that's a policy.

15 Q. Okay. And was there a -- was there a
16 difference in the way you actually managed
17 inmates, with respect to transferring inmates
18 from cell to cell -- different from the policy?

19 A. Yes. I -- are you asking, did I remove
20 him?

21 Is that -- I'm not understanding the
22 question.

23 Q. Well, you were allowed -- as you
24 understood the day-to-day operation, the reality,
25 as you put it, could you move an inmate without

1 solving the sergeant?

2 A. Yes, sir.

3 Q. And who was your supervisor in

4 November of 2017?

5 A. On that particular shift, it was Mark

6 Gumpf.

7 Q. How long had he been your supervisor?

8 A. On and off, in different areas, ten

9 years probably.

10 Q. So tell me what happened with

11 Mr. McGovern.

12 A. What in specific are you asking, sir?

13 Q. Describe your interaction with him.

14 A. He came in irritated. He came in

15 complaining of -- he had some interaction with

16 the officers that he didn't appreciate. I

17 remember him coming to the booking counter. I

18 remember starting to interview him.

19 He started to complain about the

20 interactions he had with the Toledo officers, how

21 tight the cuffs were, if I remember correctly.

22 I remember asking his name, trying to

23 get through the booking process, which he refused

24 to cooperate. The booking process was

25 terminated.

1 I remember him going to get a jumpsuit.
2 He got put in the cell. We had a brief
3 interaction. I removed him from the cell. I
4 fell with him. We had a brief struggle. And he
5 was ultimately put into a single cell.

6 Q. And did you treat -- when you had that
7 interaction with Mr. McGovern, were you treating
8 him the same way that you had treated other
9 inmates over your five years in booking?

10 A. When I was initially talking to him,
11 yes. And I treated him the same way, with
12 respect, as I would do anyone else.

13 Q. And were -- did you treat him the same
14 way when you went to transfer him from the module
15 to the single cell?

16 A. Same way as who, sir?

17 Q. Other inmates.

18 A. I've had to ask -- I've had to move
19 other inmates before. Just with me and
20 Mr. McGovern, I fell -- we fell.

21 Q. And why was it that you fell?

22 A. I don't know how I fell, sir. I
23 wasn't -- I don't know how I fell.

24 I know we both fell in the doorway.

25 Q. With respect to your transfer of

1 McGovern from -- he was in West D -- to the
2 single cell, did you follow the procedures as
3 written?

4 A. Not the written policy.

5 Q. And you said that you were treating
6 Mr. McGovern in the same way you had treated
7 other inmates when you transferred them, right?

8 A. As I was interacting with Mr. McGovern
9 and talking him I was treating him with respect.

10 I didn't even have to talk to him at
11 that given time. I could have just shut the door
12 and been done with him, but I was still trying to
13 accommodate him.

14 And when I did, we fell -- when I moved
15 him.

16 Q. During those five years you worked in
17 booking had you ever been disciplined for failing
18 to follow the written policy?

19 A. My understanding, sir, I didn't have
20 any write-ups in my file. So if there's
21 something in there, I don't know about it.

22 Q. In the five years you had worked in
23 booking, and followed this unwritten practice
24 with respect to how you transferred inmates, were
25 you ever sent to retraining or warned or

1 counseled about it?

2 A. No, sir.

3 And I will -- I wouldn't say unwritten
4 policy, I would just say reality, everyday
5 situations.

6 Q. Were there times when there were other
7 sergeants in addition or instead of Mr. Gumpf --
8 Gumfel (phonetic)? Is it Gumf (phonetic)?

9 A. Gumpf.

10 Q. Gumpf.

11 Were there times when there were other
12 sergeants other than Mr. Gumpf that served as
13 your supervisor?

14 A. Yes.

15 Q. And when you were working under those
16 sergeants, would there be times when you moved an
17 inmate from a module that had multiple inmates to
18 a single cell without involving the sergeant?

19 A. Yes.

20 Q. And did those sergeants ever write you
21 up or warn you or tell you that that was wrong,
22 you're not allowed to do that?

23 A. Never been written up, sir.

24 Q. And did anybody give you a verbal
25 warning for moving an inmate without involving a

1 sergeant?

2 A. No, sir.

3 Q. So your understanding was that you had
4 authority to move an inmate without engaging the
5 sergeant when you were working in booking in
6 2017, right?

7 A. Yes.

8 Q. Now, when you moved Mr. McGovern, did
9 you put your hands on him?

10 A. Now, do what, sir?

11 Q. Did you put your hands on him?

12 A. Yes. I grabbed him from the back.

13 Q. Where did you grab him?

14 A. If my memory serves me correct, I want
15 to say the back of the collar or the back of the
16 jumpsuit.

17 Q. And after you transferred him to the
18 single cell, were you surprised that you were
19 disciplined for this use of force, in light of
20 your understanding of the way you had transferred
21 other inmates over the five years you worked
22 there?

23 A. I didn't transfer him. The other two
24 officers did.

25 When I grabbed him, we fell. I never

1 transferred him anywhere.

2 Q. Well, that was your intent, though,
3 right, is you were trying to move him across the
4 hall?

5 A. Right.

6 But I was -- just to answer your
7 question, I was never involved in transferring
8 him.

9 Q. All right.

10 A. It was my -- it was my intent to
11 transfer him across the hall to a cell, and we
12 fell to the ground.

13 Q. Did you think you did anything wrong in
14 your interaction with Mr. McGovern?

15 A. No, I did not, sir.

16 Q. What was your reason for intending to
17 transfer Mr. McGovern from West D to the single
18 cell?

19 A. It was a corroboration of things, it
20 wasn't just that particular moment. And the
21 situation was escalating, as far as when he was
22 unhappy about the phone call.

23 So I was just trying to put him in a
24 single cell, by himself, and shut the door.
25 That's it.

1 Q. Did you see any agitation among the
2 other inmates in West D?

3 A. I seen active people in the cell. I
4 wasn't zoned in on any particular one person, but
5 I did see, at the time, there was two active
6 inmates in there.

7 But, again, this is a tank where
8 everyone is drunk, and all it takes is one
9 disruption to wake up everyone, and now you've
10 got a whole different scenario going on.

11 Q. Did you -- do you maintain that, by
12 grabbing him at the collar, you were following
13 the discretion that you were allowed by your
14 supervisors at the Lucas County jail in 2017?

15 A. I believe I was following the orders
16 that, if we see a potential problem, we're
17 supposed to remove the inmate.

18 Q. Would you agree that, at the time you
19 grabbed Mr. McGovern by the collar he was walking
20 away from you?

21 A. Did you say walking away, sir?

22 Q. Yeah.

23 A. It was a continuation of the situation.

24 So I did not wait till Mr. McGovern
25 turned his back to decide to grab him. It was a

1 continuation of the whole involvement.

2 So I didn't just sit there and, in my
3 mind, say, okay, he's walking away, here's my
4 opportunity, no. It was just a continuation of
5 the whole situation.

6 So, yes, he did turn, and that's when I
7 grabbed him. But I was not purposely trying to
8 wait on him to turn around so I could grab him,
9 it was just a continuation.

10 My reaction time was a little slower.
11 If I had reacted quicker, I probably would have
12 grabbed him from the front, but it didn't happen
13 that way.

14 Q. So at the time you grabbed him, he was
15 walking away, right?

16 A. He had turned. He had turned.

17 Q. And he had stepped in -- further into
18 the West D tank, right?

19 A. At that particular time, sir -- that's
20 what the video showed, but at that particular
21 time, I'm seeing a turn, I don't see how many
22 steps he took in. I don't see none of that right
23 there at that particular time.

24 I just seen him turn, and I grabbed
25 him. How many steps he took and all that, I

1 wouldn't know at that particular -- right at that
2 instance.

3 Q. Prior to grabbing him, you didn't give
4 him any verbal commands, did you?

5 A. No, sir, I did not.

6 Q. And prior to grabbing him, he wasn't
7 striking you, was he?

8 A. No, sir.

9 Q. He wasn't spitting on you, was he?

10 A. No, sir.

11 Q. He wasn't threatening you, was he?

12 A. No, sir.

13 Q. He wasn't trying to head butt you, was
14 he?

15 A. I never said that, sir.

16 Q. He wasn't harming any of the other
17 inmates, was he?

18 A. No, sir.

19 Q. And you had to enter the cell by a
20 couple of steps in order to grab him by the
21 collar of his jumpsuit, right?

22 A. Again, sir, at that particular time, I
23 don't know how many steps I took. I don't know
24 that form of action. At that particular time, at
25 that moment, I remember, when he turned, I

1 grabbed him.

2 So you say that I went in after him.

3 I, at that particular time, was just grabbing him
4 to move him.

5 Q. And you'd agree that, as you were going
6 to the ground with him your arm was around his
7 neck, right?

8 A. Yes. My arm did go around his neck,
9 yes.

10 Q. So you'd agree that, prior to being on
11 the ground with Mr. McGovern, there was no risk
12 posed by Mr. McGovern to your physical safety,
13 right?

14 A. Say that again, sir.

15 Q. Prior to being on the ground with
16 Mr. McGovern, there was no risk posed to your
17 physical safety by Mr. McGovern, right?

18 A. Correct.

19 Q. Did you ever get legal updates, like at
20 roll call or in-services, about any changes in
21 the law with respect to use of force?

22 A. I can't recall, sir.

23 Q. Do you see the document titled, United
24 States Supreme Court, Use of Force of Pretrial
25 Detainees, that I have on the screen now?

1 A. Yeah, I see it.

2 Q. Okay.

3 A. Yeah, I see it.

4 MR. GERHARDSTEIN: And that will be
5 Exhibit 10 -- what am I up to, Wendy?

6 THE REPORTER: 10, I think.

7 MR. GERHARDSTEIN: Was the OCRC file
8 10?

9 THE REPORTER: Let me look.

10 MR. GERHARDSTEIN: No, that was 9.

11 This will be 10.

12 THE REPORTER: Okay.

13 (Plaintiff's Exhibit 10 was marked for
14 identification.)

15 BY MR. GERHARDSTEIN:

16 Q. So this Exhibit 10, have you ever seen
17 this before, Mr. Hobbs?

18 A. I can't recall, sir. If I did see it,
19 I don't remember seeing it.

20 Q. Did you have a roll call process when
21 you would show up for work?

22 A. We had a briefing.

23 Q. Go ahead.

24 A. We had a briefing.

25 Q. And who would provide the briefing?

1 A. The sergeant on duty.

2 Q. And would that briefing ever include
3 legal updates?

4 A. I would say it included policy
5 updates.

6 Q. Would you agree that prior to your
7 using force on Mr. McGovern, he wasn't resisting
8 you?

9 A. At the time that I interacted with him,
10 prior to going to the ground, no.

11 Q. And would you agree that -- while he
12 was on the ground, you were saying, stop
13 resisting, and he was saying, I'm not resisting,
14 right?

15 A. I don't agree to that, sir.

16 Just -- just because someone is saying
17 they're not resisting doesn't mean they're --
18 again, we're -- we're talking about what you're
19 feeling from whoever you're trying to handcuff or
20 whoever you're trying to control.

21 Video or audio doesn't feel the muscle
22 tension, the movement. It doesn't feel that.

23 So just because someone's saying
24 they're not resisting doesn't mean they're not
25 resisting.

1 Q. Would you agree that Mr. McGovern would
2 have been pretty surprised by being yanked from
3 behind by his collar?

4 MR. RANAZZI: Objection. Calls for
5 speculation.

6 BY MR. GERHARDSTEIN:

7 Q. You can answer.

8 A. I don't know what he would feel or what
9 he -- what his thoughts were. I'm not going to
10 say that. I don't know.

11 Q. Did you know an inmate named Corey
12 Marshall?

13 A. I don't know. I don't know, sir.
14 I came in contact with a hundred
15 different inmates at -- I don't know.

16 Q. Do you see the declaration of Corey
17 Marshall on the screen?

18 A. Yeah, I see it.

19 MR. GERHARDSTEIN: And that will be
20 Exhibit 11.

21 (Plaintiff's Exhibit 11 was marked for
22 identification.)

23 BY MR. GERHARDSTEIN:

24 Q. He claims he was in the module but
25 didn't hear any use of the N word by

1 Mr. McGovern.

2 Is it your contention that Mr. McGovern
3 said -- used the N word prior to you grabbing his
4 collar?

5 A. Say that again.

6 Q. Is it your contention that Mr. McGovern
7 used the N word toward you prior to you grabbing
8 his collar?

9 A. Yes.

10 Q. And did he use -- say it loud enough
11 that the other inmates in the pod should have
12 heard it?

13 MR. RANAZZI: Objection. Calls for
14 speculation.

15 BY MR. GERHARDSTEIN:

16 Q. You can answer.

17 A. He said it to me, sir, so I'm not -- I
18 don't know who would have heard what. But he
19 said it to -- he said it loud enough to where I
20 could hear it.

21 Q. You'd agree that you can't hear it when
22 you play the video, right?

23 A. The audible is low.

24 Q. So the audio on the video doesn't allow
25 you to hear the alleged use of the N word, right?

1 A. The audible doesn't allow you to hear a
2 lot of the conversation him and I had. It wasn't
3 just that, it was several things that the audio
4 didn't pick up.

5 Q. Okay. But I'm just trying to focus on
6 that for a minute.

7 Do you agree that when you reviewed the
8 video you did not hear the use of the N word?

9 A. Correct.

10 Q. And would you agree -- did you, by the
11 way, listen to the -- and watch the video through
12 the period when you returned to the booking desk,
13 after the time Mr. McGovern is in the single
14 cell?

15 A. Yes.

16 Q. And would you agree that, when you
17 described the events that led to your use of
18 force on Mr. McGovern to your colleagues at the
19 booking desk, you do not mention anything about
20 the N word being used toward you?

21 A. No, I do not.

22 Q. So that was a bad question by me.

23 Do we both agree that -- when you're
24 talking to your colleagues and you're describing
25 the events that led to the use of force on

1 Mr. McGovern, do you describe his statement about
2 using the N word?

3 MR. RANAZZI: Objection. Convoluted.

4 And are you asking him to agree or to
5 know what you agree with?

6 MR. GERHARDSTEIN: All right. Let me
7 ask it again.

8 BY MR. GERHARDSTEIN:

9 Q. Did you say anything about using the
10 N word to you, when you reported the events to
11 your colleagues back at the booking desk?

12 A. I didn't feel like, sir, I needed to
13 keep throwing that word around.

14 I mean, you're even, right now,
15 referring to it as just the N word. So I don't
16 think that's something, when I'm talking about an
17 event, I need to just keep throwing around.

18 Q. Okay. So I think you're telling me
19 why, but I just want to clarify it for the
20 record.

21 Did you tell your colleagues that --

22 A. No, I did not.

23 I told my sergeant.

24 Q. And when was that?

25 A. Moments -- in the booth, right after

1 the incident.

2 Q. And just so the record is clear, you're
3 saying you did not tell your colleagues about the
4 use of the N word, but you did tell your
5 sergeant, correct?

6 A. Yes.

7 Q. And you'd agree -- or would you agree
8 that -- the statements to your colleagues were on
9 the video, but the statement to your sergeant is
10 not, right?

11 A. Yes.

12 Q. All right. Can you see the video on
13 the screen now?

14 MS. HENDERSON: No.

15 (Off the record.)

16 BY MR. GERHARDSTEIN:

17 Q. Okay. Mr. Hobbs, do you recognize the
18 scene that's depicted in the four screens on this
19 video?

20 A. Yes.

21 MR. GERHARDSTEIN: And we'll mark the
22 video Exhibit 12.

23 (Plaintiff's Exhibit 12 was marked for
24 identification.)

25 BY MR. GERHARDSTEIN:

1 Q. Now, these are four different camera
2 angles, the same activity, right -- or the same
3 time frame; is that correct?

4 A. Are you talking to me?

5 Q. Yeah.

6 A. Yes.

7 Q. Okay. Do you know who the inmate is,
8 at 5:31 -- this is 5:31 in the morning -- who's
9 coming down the hallway toward West D, in the
10 upper left-hand frame?

11 It's -- the camera angle is booking
12 west hall.

13 Do you know who that inmate is?

14 A. You'll have to bring it a little bit
15 closer. I can't see his clear face from this
16 angle.

17 Q. Does that help at all?

18 A. Yeah. Yes.

19 Q. Who was that?

20 A. I'm not sure of his full name. I know
21 he's a frequent flyer there, I'm just not
22 familiar with his full name.

23 Q. So we're watching at 5:31 a.m. Okay?

24 And who is the officer on the screen on
25 the top right?

1 A. Oliver Watkins.

2 Q. Oliver Watkins.

3 And who's the officer at booking, with
4 his back to you?

5 A. Nate Meyers.

6 Q. And he's the one in front of the
7 screen?

8 A. Yes.

9 Q. What who's the officer to the left, in
10 front of the booking desk?

11 A. I don't know who that is.

12 Q. Who's the person with the rolling cart,
13 the female?

14 A. The nurse.

15 Q. What was her name?

16 A. Jennifer.

17 Q. All right. I'm going to continue
18 playing the video. We're at 5:31:10.

19 By the way, can you hear the audio?

20 THE WITNESS: No.

21 MR. GERHARDSTEIN: Huh. Well, it's
22 playing for me. There's no -- I haven't
23 heard any statements yet.

24 I'll stop it when we get some dialogue.

25 Have you heard any audio yet?

1 THE WITNESS: No.

2 MR. GERHARDSTEIN: All right. That's
3 unfortunate. I guess when you screen share
4 you don't always get to share the audio.

5 BY MR. GERHARDSTEIN:

6 Q. Officer -- or, Mr. Hobbs, is that you
7 interacting with the inmate, in the lower
8 right-hand corner, in that screen?

9 A. Yes.

10 Q. We're at 5:32.

11 Have you heard any of the dialogue
12 between Watkins and you?

13 A. No.

14 Q. You've watched this video before,
15 right?

16 A. Correct.

17 Q. When was the last time you saw it?

18 A. Was it Fri -- Thursday.

19 Q. Do you recall what Officer Watkins is
20 talking to you about?

21 A. He wouldn't be talking to me. I don't
22 think he's -- he's talking to the inmate. I
23 don't think he's talking to me.

24 Q. Oh, okay. And what was it he was
25 talking about, if you recall?

1 A. If I recall correctly, I think the
2 inmate was trying to get him to do something
3 else, and the officer explained to him it's the
4 end of the shift.

5 Q. Okay. We're at 5:32:24.

6 Now, at this point, we see in the
7 bottom right-hand corner screen, which is booking
8 West C-D, that you're standing at the open door
9 with an inmate.

10 Who is that?

11 A. Tim McGovern.

12 Q. Now, apparently, you can't hear the
13 audio of your conversation with Mr. McGovern as
14 we watch to this together.

15 But based on your most recent review of
16 the video, what did Mr. McGovern say to you and
17 what did you say to him?

18 A. I can't remember word for word. It
19 was, basically, a conversation about him using
20 the phone. I told him he wasn't cooperative when
21 he came in, he couldn't use the phone, if he
22 wanted to use the phone, he'd have to use the one
23 on the wall.

24 Q. And in order to use the phone on the
25 wall do you need any account or a pin number?

1 Are there any sort of rules about that phone?

2 A. If I remember, you need a -- some kind
3 of pin to get through.

4 But if you call someone on the phone
5 and they set up an account, you get it for free.

6 I don't remember specifically how the
7 phone situation worked.

8 Q. So at least for a pretrial inmate just
9 coming in, that inmate would have to call someone
10 who would accept the duty of setting up an
11 account and working with the inmate in order to
12 get a call accomplished, right?

13 A. I never made a call there, sir. I
14 guess that's how it works. I'm not sure of the
15 specifics, again, about how the phone worked once
16 you pick it up.

17 I believe they have to call someone and
18 set up an account, and they go from there --

19 Q. Okay.

20 A. -- if I remember correctly.

21 Q. And did -- based on your last review of
22 this video, did Mr. McGovern apologize for the
23 way he had acted at booking when he first came
24 in?

25 A. I want to say when he was across, in

1 the single cell, and I gave him a blanket, we had
2 a brief conversation.

3 Q. How about at this point, where we're at
4 on the video, at 5:32? During this interaction
5 with him did he apologize for the way he had
6 acted when he first came into booking?

7 A. I don't think so. I believe, if my
8 memory is correct, that we were just talking
9 about a phone call at this point.

10 Q. And based on your last review of the
11 video, did Mr. McGovern also explain that he had
12 a job and that he wanted to get word to the
13 employer so that he wouldn't lose his job?

14 A. Again, I don't remember all the
15 specifics. I remember we were discussing
16 about -- I remember specifically we were
17 discussing -- the conversation about him using
18 the phone.

19 Q. Okay. We're going to watch more of the
20 video, and we're starting again at 5:32:26.

21 So at 5:33, do agree that Mr. McGovern
22 has stepped into the cell and had his back to
23 you, and you stepped in after him and are
24 grabbing his collar?

25 A. Yes.

1 Q. And when you grabbed his collar and
2 pulled on him, he goes down and is obviously
3 trying to break his fall with his right arm,
4 right?

5 A. If that's what -- yes. That's what the
6 video shows, yes.

7 Q. And now, at 5:33:03, your arm is --
8 your left arm is around Mr. McGover's neck,
9 right?

10 A. Yes.

11 Q. At 5:33:05, who is that that has just
12 arrived at the doorway to West D?

13 A. Nate Meyers.

14 Q. And that's Officer Watkins coming up
15 also?

16 A. Yes.

17 Q. But Meyers is right at you -- right at
18 the doorway, and Watkins is still back a ways,
19 right?

20 A. Yes.

21 Q. Now, at 5:33:10, it's -- what officers
22 are present attempting to cuff Mr. McGovern?

23 A. The one that showed up is Matt Grant --
24 Matthew Grant.

25 Q. So if we -- and we -- that's the one

1 bending over, with his head toward the doorway?

2 A. That's him with his back to me, yes.

3 Nate is up against the door, Matt is
4 the one with his back to me.

5 Q. Well, you're still in the frame,
6 right?

7 A. Yes.

8 Q. Okay. And you're sort of bent over,
9 right?

10 A. Yes.

11 Q. So that's Nate Meyers and Matt --
12 Matthew Grant?

13 A. Yes.

14 Q. Now, at 5:33:12, would you agree that
15 Matthew Grant is grabbing Mr. McGovern's head?

16 A. I can't agree to that, sir. I can't
17 see.

18 Q. At 5:33:15 -- and I think we can see it
19 best in the top left frame -- is Matthew Grant --
20 does he have his knee on Mr. McGovern's head?

21 A. I see his -- his -- him leaning down,
22 but I can't see clearly where his knee is at
23 exactly. I just can't.

24 Q. At 5:33:17, does that make it any
25 easier to see that his knee is on Mr. McGovern's

1 head?

2 And again, I think you can see best in
3 the top left-hand corner.

4 A. If that's his head and that's his knee,
5 yes, I can see -- I can see that.

6 But, again, the picture is not clear
7 enough for me to tell exactly which part of --
8 his ear is -- I can't -- I can't make it -- it's
9 not that clear.

10 Q. So you would agree what Matthew Grant's
11 knee is on the head, but you're not sure what
12 part?

13 A. I would say his knee is up, yes,
14 somewhere -- yeah. I just can't see which
15 part.

16 Q. Which part of the head?

17 A. Correct.

18 Q. Who's the officer standing behind
19 Matthew Grant?

20 A. Sergeant Gumpf.

21 Q. And at this point, you have stood up
22 and are no longer engaging?

23 A. Yes.

24 MR. RANAZZI: Al's frozen.

25 (Off the record.)

1 MR. GERHARDSTEIN: So can you read the
2 last question?

3 (The record was read.)

4 BY MR. GERHARDSTEIN:

5 Q. And the point we're talking about is
6 5:33:17, right, Mr. Hobbs?

7 A. Yes.

8 Q. Okay. And did you stand up because you
9 believed your colleagues had control of
10 Mr. McGovern at that point?

11 A. I stood up because -- they were trying
12 to handcuff him and control him, and I stood up.

13 They came in in better position than
14 me.

15 Q. All right. So they were able to get
16 that job done, and you weren't needed, right?

17 A. Yes.

18 Q. I'm going to back it up a little bit.

19 Now, at 5:33:21, would you agree that
20 Matthew Grant used his hands on Mr. McGovern's
21 head and forcibly hit his head against the
22 concrete floor?

23 A. Sir, I don't know what he hit his head
24 on. Again, I seen pushing the back of his body
25 down -- I mean, the upper part, his neck. I

1 don't know what his head hit. I can't -- I can't
2 tell that.

3 Q. Well, the floor is concrete, right?

4 A. Correct.

5 Q. And there's nothing -- there's no pad
6 or anything between Mr. McGovern's head and the
7 floor, right?

8 A. Again, sir, I can't say what his --
9 what he hit. I -- I can't say. The picture --
10 the video is not clear enough to show me -- that
11 I can say that he hit his head when he went -- I
12 don't know.

13 Q. You'd agree that Matthew Grant is --
14 has Mr. McGovern's head in his hand and forcibly
15 picks it up and puts it down, right?

16 MR. RANAZZI: Objection. Asked and
17 answered.

18 You can answer again.

19 A. I don't know what Matt Grant is doing,
20 sir.

21 BY MR. GERHARDSTEIN:

22 Q. Well, you can see his hand on the head,
23 right?

24 A. I see his hands on the back of the
25 neck, from the angle I have.

1 Q. And you can see his head go up and
2 down, right?

3 A. No. I see a paused frame right now.

4 Q. Well, I can play it again, if you want.
5 Right there.

6 Do you see that? Do you see that,
7 where his head went up and down, at 5:33:21 and
8 22?

9 A. I think you want me to say -- I can't
10 say. I don't know what it -- I'm not confident
11 in saying his head hit. I don't know.

12 Q. All right. I'm going to play the video
13 further.

14 Now, you'd agree that Mr. Grant has his
15 hand on Mr. McGovern's head at 5:33:34, right?

16 A. Looks like his hand is around the side
17 of his face at this point. It doesn't look like
18 it's on the back of his head. It looks like
19 maybe on his cheek or something like that. It
20 looked like his head is turned.

21 Q. Now, at 5:34:15, have you returned to
22 the booking counter, and are you standing in
23 front of the computer screen?

24 A. Yes.

25 Q. Now, at 5:34:47, did you mimic the hand

1 gesture that Mr. McGovern had used toward you?

2 A. Yes.

3 Q. And that was raising his middle finger
4 toward you, right?

5 A. Yes.

6 Q. And when Mr. McGovern did that, he
7 didn't touch you, did he?

8 A. No.

9 Q. At 5:35, you are typing on the
10 computer.

11 Are you -- well, just tell me, if you
12 know, what you're writing on the computer at that
13 point.

14 A. Sir, I have no clue. That was three
15 years ago. I have no idea.

16 Q. I notice that your report is typed the
17 next day.

18 Did you start it at the time you
19 were -- well, first of all, do you write the
20 reports on the computer?

21 A. Yes.

22 Q. Did you write your report the next day,
23 or did you start it on the day when the use of
24 force occurred?

25 A. I started it with the next shift, or

1 the next day.

2 Q. Okay. So you're not writing your
3 report; is that right?

4 A. If I had to remember correctly, sir, I
5 think I was finishing up his booking information,
6 since I was the booking officer. All I can say
7 is, all I was doing is saving information on the
8 computer.

9 Q. Okay. I'm going to go back to the
10 OCRC file. And are you -- do you have the OCRC
11 file up on the screen?

12 A. Yes, I do.

13 Q. All right. I'm going to go to your
14 report, which is 76.

15 Do you see that?

16 A. Yes.

17 Q. Is this the report you prepared in
18 connection with the use of force on
19 Mr. McGovern?

20 A. Yes.

21 Q. And you left -- you were working third
22 shift, right?

23 A. Yes.

24 Q. What was the hours of that third
25 shift?

1 A. 10:30 to 6:30.

2 Q. So you would have started at 10:30 on
3 November 9th and finished up at 6:30,
4 November 10th, right?

5 A. Correct.

6 Q. And so the use of force occurred at
7 5:30, November 10th, right?

8 A. Yes.

9 Q. And then when you returned, it's still
10 November 10th, and you fill out this report at
11 11:45 p.m., right?

12 A. Yes.

13 Q. Now, in this report, you state that on
14 November 10th, 2017, at approximately 5:30 hours,
15 while putting an inmate into West D holding tank
16 Inmate McGovern, Timothy, 0889105, began to argue
17 with me that he didn't get a phone call. I
18 explained to Inmate McGovern, Timothy that he did
19 not get a phone call at the time of booking
20 because he was intoxicated, uncooperative, and
21 disrespectful.

22 Did I read that correctly?

23 A. Yes.

24 Q. Then it goes on -- towards LCCC staff
25 and the TPD officers. Inmate McGovern then threw

1 up his middle finger and said, fuck you,
2 nigger -- then grabbed inmate by his left arm and
3 shoulder to escort him to single number 7 for
4 being disruptive and disrespectful toward staff.

5 Did I read that correctly?

6 A. Yes.

7 Q. And where you say that you grabbed
8 inmate by left shoulder -- I'm sorry -- that you
9 grabbed inmate by his left arm and shoulder, is
10 that accurate?

11 A. No.

12 Q. I didn't hear you.

13 A. No, sir.

14 Q. Right. You actually grabbed him by his
15 collar, right?

16 A. Correct.

17 Q. And then where you say that, Inmate
18 McGovern, Timothy began to resist my escort to
19 single number 7, he was taken to the ground and
20 handcuffed for officer safety -- when you say he
21 began to resist your escort, was that accurate?

22 A. The reference I'm talking about --
23 resistance -- is when we were on the ground.

24 Q. Well, but the way you wrote it is
25 that -- you're writing about him resisting before

1 you write that he was taken to the ground, right?

2 A. Correct. But that's not how it was
3 supposed to have been.

4 What I meant -- the resistance I'm
5 referring to in the report is the resistance
6 that -- was being when we fell to the ground.

7 Q. Because he was not told anything before
8 you grabbed him, right?

9 A. Correct.

10 Q. So there was no way to assess any
11 resistance because he wasn't being instructed to
12 do anything, right?

13 A. Correct.

14 Q. And when you say that he was taken to
15 the ground, that's not accurate, right?

16 A. We -- no. He wasn't taken to the
17 ground, we fell to the ground.

18 Q. Now, it's important to be accurate when
19 you write those reports, right?

20 A. If I would have went back and watched
21 the video, sir, and tried to get a fresher
22 recollection, yes. But I did not.

23 I just went off my pure memory.

24 Q. Now, when you reviewed the video,
25 either with me here today or last week, would you

1 agree that there's no indication that other
2 inmates were reacting at all to the exchange
3 between you and Mr. McGovern in the immediate
4 moments before you grabbed Mr. McGovern?

5 A. They were all drunk, sir, asleep.

6 Q. Would you agree that when an inmate's
7 head is hit against the floor, that that's a
8 significant use of force?

9 A. Are you asking me if he hit his head
10 against the floor, sir?

11 Q. No.

12 I'm asking you whether you agree what
13 when an inmate's head is hit against the floor,
14 that that's a significant use of force.

15 MR. RANAZZI: Objection. Presumes
16 facts not in evidence.

17 You can answer.

18 A. Could you repeat the question again,
19 sir?

20 BY MR. GERHARDSTEIN:

21 Q. It's significant use of force to hit an
22 inmate's head against the floor, right?

23 A. I didn't hit anyone's head up against
24 the floor, sir.

25 Q. I'm not asking -- I'm not saying you

1 did.

2 A. What you are asking me, sir? I'm not
3 understanding you.

4 Q. You saw Matthew Grant --

5 A. Yes, sir.

6 Q. -- right?

7 And in his placement of Mr. McGovern's
8 head against the floor, that's a significant use
9 of force, right?

10 A. As I said before, sir, the images I
11 see, I can't -- I can't tell clearly what was
12 going on with Matt Grant and Mr. McGovern's
13 head.

14 Q. In your training on subject control,
15 did you learn that -- by striking the head with a
16 solid object, that that can be deadly force?

17 A. I'm not understanding that, sir.

18 Q. Well, you went through subject control
19 training, right?

20 A. Correct.

21 Q. And one of the things you learned, for
22 example, was baton handling, right?

23 A. False. We don't use batons.

24 Q. Well, I know you don't in corrections,
25 but were you trained on it?

1 A. No.

2 Q. Were you trained that striking the head
3 of an inmate can be deadly force?

4 A. I don't recall ever -- anyone telling
5 me if I hit somebody with something, it's dead --
6 I don't recall -- I don't recall that, sir. I
7 can't recall something happening two -- I don't
8 know.

9 Q. As you sit today, do you agree that
10 it's dangerous to strike an inmate in the head?

11 A. You said, is it dangerous to strike
12 someone -- someone in the head?

13 Q. Right.

14 A. It could be -- it could be dangerous to
15 hit anyone in the head.

16 Q. And if an inmate is -- if an inmate's
17 head strikes the floor, is actually in some
18 officer's hand and is hit upon the floor, that
19 can be very dangerous, right?

20 A. It's all a matter of intent, sir.

21 You can't just say because someone's
22 head hit the floor they're trying to hurt them or
23 kill them.

24 I mean, I could stand up right now and
25 fall, and that don't mean I'm hurting myself. I

1 mean --

2 Q. In your training, did you learn any
3 techniques that involve kneeling on the head of
4 an inmate or striking their head against the
5 floor?

6 A. I can't recall, sir.

7 Q. Is kneeling on the head of an inmate
8 consistent with any of the training you learned
9 in subject control?

10 A. I'm sure there's times where we've had
11 to secure someone -- I don't -- I can't recall us
12 kneeling on heads. I don't -- I don't recall
13 that, sir, no.

14 MR. GERHARDSTEIN: All right. We're
15 going to take a short break, and then I'll
16 have a few more questions maybe, and then
17 we'll be done.

18 So let's just leave the screen open,
19 but we're going to take a short break.

20 Okay?

21 (A recess was taken from 10:39 to
22 10:49.)

23 BY MR. GERHARDSTEIN:

24 Q. Mr. Hobbs, your current job is in
25 security as well, right?

1 I'm not going to get into details.

2 Don't worry.

3 A. Yes.

4 Q. And in connection with that job, you
5 have to give reports on potential breaches of
6 security, right?

7 MS. HENDERSON: Objection.

8 BY MR. GERHARDSTEIN:

9 Q. Again, I'm not going to get into the
10 industry or the details. I'm trying to honor
11 your request the keep that -- details
12 confidential.

13 But you'll agree that you have to give
14 reports on potential security breaches, right?

15 A. Sir, I really don't want to even talk
16 about my job. I'm trying to move on.

17 Q. You've got to tell the truth in your
18 job, right?

19 A. Yes. I have to do reports.

20 Q. All right. And you expect those
21 reports to be honest, because you want to have
22 people rely on them, right?

23 A. Correct.

24 Q. Now, you said when you used force on
25 Mr. McGovern, that it was more than just the

1 immediate dialogue you had had with him before
2 you decided to move him.

3 Can you explain that a little bit more?

4 What is it that caused you to use force
5 on him?

6 A. I was trying to just move him across to
7 a single cell, sir.

8 Q. Yeah. So what was the basis for
9 trying -- for deciding to move him across to a
10 single cell?

11 A. It was a collaboration of things, like
12 I said.

13 It was one -- when he came in, he came
14 in with four officers; came in the door
15 complaining about whatever business he had with
16 them. It was uncooperation from -- they had
17 briefed us they told him that -- he was over in
18 the safety building, the whole shabang-bang over
19 there.

20 Then he came to our building with four
21 officers -- that's a red flag -- came up to the
22 booking counter, wasn't cooperating -- that was a
23 red flag.

24 So when the behavior started at the
25 West D tank, I made a split-second decision to

1 put him in a single cell.

2 Q. And when you say, the behavior started
3 in the West D tank, what behavior are you talking
4 about?

5 A. Well, when I first tried to shut the
6 door, he stooped me from shutting the door. I
7 continued to talk to him.

8 I told him once he couldn't use the --
9 phone call, he still went on, went on, went on
10 about the phone call.

11 The throwing up the hand, using the
12 language, all of that's all in one in sequence.
13 And that's when I decided to put him into a
14 single cell.

15 Q. So you decided to put him in the single
16 cell because he threw up his hand -- meaning he
17 gave you the finger -- and he had used the
18 language -- are you talking about the N word?

19 A. As I explained, sir, it wasn't just
20 that.

21 It had been a long -- it was a whole
22 collaboration of events; from the time he entered
23 the building, to the time he went -- came up to
24 the counter, got his dress on -- uniform, went to
25 West D cell.

1 It wasn't just that particular -- at
2 that interaction. It wasn't just that alone.

3 I just stated that.

4 Q. And you contend that it was consistent
5 with the discretion you had as an officer to grab
6 him by the back of the jumpsuit and pull him
7 through the door; is that correct?

8 A. It was my discretion to remove an
9 inmate and to put him into a single cell, yes.

10 Q. And was it your discretion to remove
11 Mr. McGovern in the way you did it?

12 A. The way I did it, and the way it took
13 down -- the way I intended to do it was to just
14 pull him back and put him into a single cell door
15 across the hall.

16 That was it.

17 Q. And is it your position that you didn't
18 do anything wrong with respect to the manner in
19 which you attempted to transfer Mr. McGovern from
20 West D to the single cell?

21 A. It was my intent to -- to pull him, or
22 grab him, take him over to the single cell across
23 the hall, when we fell to the ground.

24 Q. And there wasn't anything wrong with
25 putting your arm around his neck?

1 A. That's how we fell, sir.

2 Did I purposely do that? No, I did
3 not. It's just how we fell.

4 Q. So why do you contend that your
5 discharge was on the basis of race
6 discrimination?

7 A. Sir, that's an ongoing case, and I'd
8 rather not talk.

9 Q. Well, you must believe that there's
10 some unfair judging of you, with respect to the
11 use of force, because the county fired you
12 because of the use of force.

13 What is it that makes you think that
14 it's okay to use that amount of force, and
15 instead, you're contending that it was race
16 discrimination?

17 MS. HENDERSON: Continuing line of
18 objection, and also objection to the
19 question.

20 BY MR. GERHARDSTEIN:

21 Q. You can answer.

22 A. Sir, again, you have county
23 representatives here. It's an ongoing case and I
24 prefer not to talk about it.

25 Q. Well, I understand what you prefer, but

1 it's relevant to the -- our ongoing case.

2 A. I don't know how to answer that, sir.

3 I don't want to answer that.

4 Q. Well, what's your proof that you want
5 to show the Court about why it's -- you were
6 fired for race discrimination rather than the way
7 you treated Mr. McGovern?

8 A. I can't answer that, sir.

9 Q. Well, do you have any evidence at all
10 of racial --

11 A. I can't answer that question.

12 Q. -- discrimination?

13 A. I can't answer that.

14 Q. Is there a reason -- are you saying you
15 can't answer it because you don't want to or
16 because you just don't have any proof?

17 A. I can't answer that, sir.

18 Q. Yeah, my question is, are you saying, I
19 can't answer that, sir, because you are refusing
20 to answer, or because you really don't have any
21 proof of race discrimination?

22 A. I can't answer that, sir.

23 Q. Why can't you answer?

24 A. I feel like you're putting me in a
25 situation where I can't answer that.

1 Q. I'm not putting you in any situation.
2 I'm just asking you what proof you have for the
3 lawsuit you filed.

4 A. Follow the case, sir. I guess you'll
5 find out.

6 Q. Well, it sounds like you're refusing to
7 answer the question, and it is relevant evidence,
8 and I'm going to ask you again -- and I'll ask
9 your counsel's help with this -- to give me the
10 best answer you can for why you think it's race
11 discrimination.

12 A. That's up to my lawyers to determine.

13 Q. Well, what evidence have you provided
14 to anybody that you think that it's based on race
15 discrimination?

16 A. I would ask that I have time to confer
17 with my lawyers who's dealing with me in that
18 case before I answer any questions concerning my
19 civil matter.

20 Q. Well, all right. I guess we'll have to
21 leave the deposition open, unless you want to
22 make a phone call. I'd kind of like to wrap this
23 up.

24 Can you make the phone call?

25 A. Sir, you're a lawyer. You know lawyers

1 aren't available like that. You know that.

2 Q. Well, I don't know, you can give it --
3 give it a try.

4 A. Unless you want to pay \$500 a call,
5 then we can go ahead.

6 Q. All right. Well, that's all the
7 questions I have, except for this one. And I'm
8 going to have to leave the record open in order
9 to see if there's some further explanation that
10 we can secure after you talk to your civil
11 lawyers. And I really don't want to do that, but
12 you don't really leave me any choice.

13 MR. GERHARDSTEIN: I don't have any
14 other questions.

15 Counsel, do you have any questions?

16 MR. RANAZZI: I have a couple.

17 But I want to make sure I'm clear on
18 this, Al.

19 Your sole line of inquiry that you are
20 leaving open is what evidence does he have
21 regarding his -- regarding the county's --
22 the claim against the county of racism
23 within his civil rights lawsuit as an OCRC
24 complainant, correct?

25 MR. GERHARDSTEIN: Well, yeah.

1 I mean, understand, though, that in a
2 disparate treatment case, I suspect that his
3 answer is going to be that he has A, B, C
4 proof of race, the county's then going to
5 say they fired him because of his use of
6 force, then he has to show his pretext.

7 So once you lay all this stuff out,
8 there may be more further exploration of the
9 use of force, because there may be other
10 comparisons to other uses of force by white
11 guys.

12 I mean, I'm making all this up because
13 I don't know for sure.

14 But I -- that's where that inquiry
15 could go.

16 MR. RANAZZI: All right. Your inquiry
17 presumes a response from the county, when
18 that's not going to happen in this
19 deposition. The only answer you're going to
20 get, at any point in time, is going to be
21 Mr. Hobbs' answer as to what he would have
22 with regards to the county. You're not
23 going get a county --

24 MR. GERHARDSTEIN: Well --

25 MR. RANAZZI: You're not going to get a

1 county official to say anything about
2 pretext within this deposition, so you're
3 not going to have a further inquiry. It's
4 going to end at Mr. Hobbs' response.

5 MR. GERHARDSTEIN: Well, except that
6 there is some evidence in the record of
7 comparables. And if, in fact, his
8 allegation is that certain people used force
9 comparable to his, and we have evidence in
10 the record of those people, that could
11 trigger further dialogue.

12 I don't know where he's going with --

13 MR. RANAZZI: Well, you have the
14 opportunity to ask him questions right now
15 about comparables. I mean, I -- I don't
16 want to see -- I don't want -- I don't want
17 any other deposition, is what I don't want.

18 MR. GERHARDSTEIN: Well, that's fine.
19 Okay. I can -- I can try and see if he'll
20 answer.

21 BY MR. GERHARDSTEIN:

22 Q. Are there white people that you compare
23 yourself to, Mr. Hobbs, that you think were
24 treated better than you?

25 MS. HENDERSON: Objection.

1 MR. RANAZZI: Objection.

2 BY MR. GERHARDSTEIN:

3 Q. You can answer.

4 A. I'm the only one sitting here, right,
5 sir; the only one terminated?

6 Q. Okay. And so who do you think was
7 treated better than you were who used force like
8 you did?

9 A. Sir --

10 THE REPORTER: I'm sorry. Did you say
11 something, Mr. Hobbs?

12 THE WITNESS: I didn't say anything.

13 BY MR. GERHARDSTEIN:

14 Q. Can you answer, please?

15 A. I don't know what discipline another
16 officers received, sir, for whatever they did.

17 Q. Well, in your -- in your charge to
18 discrimination, you mentioned Marcus Wall
19 (phonetic), Dee Young (phonetic), Dana Holsmer
20 (phonetic), and Javier Martinez (phonetic).

21 Are those people that you believe did
22 things similar to you, as far as use of force,
23 who were not black but were treated better?

24 A. If that's what my disposition you have
25 says -- in front of you -- that's what I said.

1 Q. All right. Are there any other people,
2 in addition to those, who are the people to whom
3 you'd compare yourself to, in showing that your
4 termination was for race, even though they did
5 stuff just as bad as yours?

6 A. I would ask, again, sir, to consult my
7 civil attorneys about the matter and follow the
8 case, sir.

9 Q. Well, can you tell me anything about
10 the -- well, look, if you're going to invoke a
11 need to talk to an attorney, I don't want to
12 disturb that.

13 Again, I'll offer you an opportunity to
14 give your attorney a call. Because I agree with
15 Andy, I'd rather get this done. But it seems
16 like we have a problem.

17 So if you want to try calling your
18 attorney, that would be fine.

19 A. Sir, it's not going to happen, sir.

20 Q. All right.

21 MR. GERHARDSTEIN: Okay. On that same
22 basis then, I'll terminate the deposition
23 with this loose end. And if, after talking
24 to your attorney, you have additional
25 information you want to share, we can reopen

1 it.

2 Andy, do you have any questions?

3 MR. RANAZZI: Any questions?

4 MS. HENDERSON: No.

5 MR. RANAZZI: No. Actually, I don't
6 have any questions. I think we're good.

7 MR. GERHARDSTEIN: All right. Kayla,
8 do you have any questions?

9 MS. HENDERSON: No.

10 MR. GERHARDSTEIN: All right. Do you
11 want to instruct him on answering -- or on
12 signing?

13 MS. HENDERSON: We're going to reserve.

14

15

16

LAMONTE HOBBS

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18 - - -

19 DEPOSITION ADJOURNED AT 11:03 A.M.

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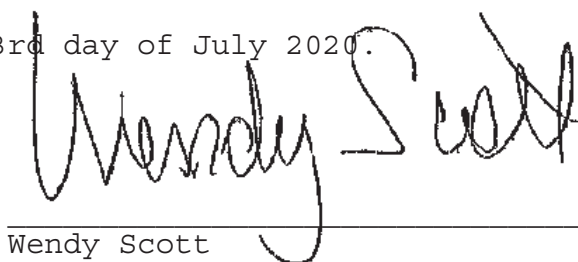
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C E R T I F I C A T E

STATE OF OHIO :
: SS
COUNTY OF CLERMONT :

I, Wendy Scott, the undersigned, a duly
qualified and commissioned notary public within
and for the State of Ohio, do certify that before
the giving of his deposition, LAMONTE HOBBS was
by me first duly sworn to depose the truth, the
whole truth and nothing but the truth; that the
foregoing is the deposition given at said time
and place by LAMONTE HOBBS; that I am neither a
relative of nor employee of any of the parties or
their counsel, and have no interest whatever in
the result of the action.

IN WITNESS WHEREOF, I hereunto set my hand
and official seal of office at Cincinnati, Ohio,
this 23rd day of July 2020.



Wendy Scott
Notary Public - State of Ohio
My commission expires September 3, 2022

1 E R R A T A S H E E T

2 DEPOSITION OF: LAMONTE HOBBS
3 TAKEN: JULY 13, 20204 Please make the following corrections to my
5 deposition transcript:

6	Page	Line Number	Correction Made
7			
8			
9			
10			
11			
12			
13			
14			
15			
16			
17			
18			
19			
20			
21			
22			
23			
24			
25			

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\$
 \$500 75:4
 0
 0889105 61:16
 1
 1 26:5
 10 23:3 40:5,6,8,11,13,16
 10:30 61:1,2
 10:39 67:21
 10:49 67:22
 10th 13:6,10,13 14:10
 61:4,7,10,14
 11 42:20,21
 11:45 61:11
 12 23:3 46:22,23
 180 17:17
 19 26:5
 2
 2001 7:11
 2004 6:23 7:5,8,11
 2005 7:25 11:24 12:11,17
 2012 12:23 13:1
 2017 12:18 13:6,10,13
 14:10 22:5 23:4 26:11,17
 27:11,17 28:20 30:4 34:6
 36:14 61:14
 22 58:8
 23 21:24
 28th 22:5
 3
 30 17:19
 31 22:13,18
 4
 41 25:17,21 26:4
 49 22:4,11,21,23
 5
 5:30 14:6 61:7,14
 5:31 47:8,23
 5:31:10 48:18
 5:32 49:10 52:4
 5:32:24 50:5
 5:32:26 52:20

5:33 52:21
 5:33:03 53:7
 5:33:05 53:11
 5:33:10 53:21
 5:33:12 54:14
 5:33:15 54:18
 5:33:17 54:24 56:6
 5:33:21 56:19 58:7
 5:33:34 58:15
 5:34:15 58:21
 5:34:47 58:25
 5:35 59:9
 6
 6/1/09 26:7
 6:30 61:1,3
 7
 7 62:3,19
 70-page 21:8
 76 60:14
 8
 8 17:6,7
 9
 9 21:8,10,23 25:16 40:10
 96 7:19
 97 7:19
 9th 61:3
 A
 a.m. 47:23
 able 56:15
 abrasions 15:18,23
 accept 51:10
 access 10:10
 accommodate 32:13
 accomplish 23:25
 accomplished 51:12
 account 50:25 51:5,11,18
 accurate 62:10,21 63:15,
 18
 accused 9:16
 acted 51:23 52:6
 action 38:24
 active 36:3,5
 activity 47:2
 actual 12:22 22:14 28:19,
 23

addition 33:7
 administered 11:16
 administers 11:1
 advising 22:6
 agitation 36:1
 ago 59:15
 agree 13:4 17:16 36:18
 39:5,10 41:6,11,15 42:1
 43:21 44:7,10,16,23 45:4,
 5 46:7 52:21 54:14,16
 55:10 56:19 57:13 58:14
 64:1,6,12 66:9 68:13
 ahead 15:16 40:23 75:5
 Al 15:12 20:25 25:24
 75:18
 Al's 55:24
 allegation 77:8
 alleged 43:25
 allow 43:24 44:1
 allowed 26:25 27:14 29:23
 33:22 36:13
 altercation 14:18
 amount 72:14
 angle 47:11,16 57:25
 angles 47:2
 answer 14:22 25:4 35:6
 42:7 43:16 57:18 64:17
 72:21 73:2,3,8,11,13,15,
 17,19,20,22,23,25 74:7,
 10,18 76:3,19,21 77:20
 78:3,14
 answered 57:17
 anybody 14:1 33:24 74:14
 anyone's 64:23
 apologize 51:22 52:5
 apparently 50:12
 appear 22:18
 applied 10:19
 appreciate 30:16
 approximately 14:6 61:14
 arbitrate 18:16
 area 13:17
 areas 30:8
 argue 61:16
 arm 39:6,8 53:3,7,8 62:2,9
 71:25
 arrests 9:20
 arrived 15:19 53:12
 Asked 57:16
 asking 29:19 30:12,22
 45:4 64:9,12,25 65:2 74:2
 asleep 64:5
 assault 16:8,12
 assess 63:10

Associate's 6:19
attempted 71:19
attempting 53:22
audible 43:23 44:1
audio 41:21 43:24 44:3
 48:19,25 49:4 50:13
August 13:4
authority 34:4
authorization 26:25
available 75:1

B

back 9:7,10 34:12,15
 36:25 45:11 48:4 52:22
 53:18 54:2,4 56:18,24
 57:24 58:18 60:9 63:20
 71:6,14
backup 25:10
bad 44:22
bankruptcy 9:24
based 11:3 20:22 50:15
 51:21 52:10 74:14
basically 50:19
basis 15:5 27:3 69:8 72:5
Bates 21:24 22:11,20,22
 25:17,20 26:4
baton 65:22
batons 65:23
began 61:16 62:18,21
behavior 69:24 70:2,3
believe 19:13 36:15 51:17
 52:7 72:9 78:21
believed 56:9
bending 54:1
bent 54:8
best 7:7,12 8:10 54:19
 55:2 74:10
better 56:13 77:24 78:7,23
beyond 7:21
billion 28:24
bit 47:14 56:18 69:3
black 28:15 29:8,9 78:23
blanket 52:1
body 56:24
booking 12:20,21,25
 13:11,14,17 23:13 26:15
 30:17,23,24 31:9 32:17,23
 34:5 44:12,19 45:11 47:11
 48:3,10 50:7 51:23 52:6
 58:22 60:5,6 61:19 69:22
booklet 12:7 17:3
booth 45:25
bottom 50:7

boys 10:14
breaches 68:5,14
break 53:3 67:15,19
brief 31:2,4 52:2
briefed 69:17
briefing 40:22,24,25 41:2
bring 47:14
building 69:18,20 70:23
buildings 8:23
business 69:15
butt 38:13
Buy 7:7,12 8:10

C

C-D 50:8
call 18:20,23 35:22 39:20
 40:20 51:4,9,12,13,17
 52:9 61:17,19 70:9,10
 74:22,24 75:4
called 13:18 18:3 27:19
 29:12
calls 14:19 15:5 42:4 43:13
camera 47:1,11
cart 48:12
case 9:22 17:14 20:1,24
 21:7,23 72:7,23 73:1 74:4,
 18 76:2
cause 19:13
caused 23:5 69:4
cell 15:1 16:1 23:18,21,25
 24:4,21 25:2 29:13,18
 31:2,3,5,15 32:2 33:18
 34:18 35:11,18,24 36:3
 38:19 44:14 52:1,22 69:7,
 10 70:1,14,16,25 71:9,14,
 20,22
cells 24:14
Center 18:2,4
certain 77:8
changes 39:20
charge 18:12 19:3,8,18
 21:25 78:17
charged 16:7
checked 16:3
cheek 58:19
choice 75:12
chose 23:20,24 25:9
city 7:3 18:7
civil 19:7 74:19 75:10,23
claim 75:22
claims 42:24
clarification 22:11
clarify 45:19
clear 46:2 47:15 55:6,9
 57:10 75:17
clearly 54:22 65:11
clicked 25:24
closer 47:15
clue 59:14
collaboration 69:11 70:22
collar 34:15 36:12,19
 38:21 42:3 43:4,8 52:24
 53:1 62:15
colleagues 44:18,24 45:11,
 21 46:3,8 56:9
College 6:17,25 11:12
coming 21:18 30:17 47:9
 51:9 53:14
command 26:21 27:14,21,
 25
commands 38:4
Commission 19:7
community 6:25 11:12
 17:19,25
comparable 77:9
comparables 77:7,15
compare 77:22
comparisons 76:10
complain 30:19
complainant 75:24
complaining 30:15 69:15
complete 17:21
computer 58:23 59:10,12,
 20 60:8
concerning 74:18
concluded 19:4 20:13
concrete 56:22 57:3
confer 74:16
confident 58:10
confidential 68:12
confronted 23:1
connection 18:13 19:18
 60:18 68:4
consistent 26:18 27:18
 67:8 71:4
contact 42:14
contend 71:4 72:4
contending 72:15
contention 43:2,6
continuation 36:23 37:1,4,
 9
continue 48:17
continued 70:7
continuing 15:4 72:17
control 11:21 41:20 56:9,
 12 65:14,18 67:9
conversation 19:16 44:2
 50:13,19 52:2,17

convicted 16:11
conviction 17:17
convictions 9:20
Convoluted 45:3
cooperate 30:24
cooperating 69:22
cooperative 50:20
copy 12:8,10 21:25 22:3
Corey 42:11,16
corner 49:8 50:7 55:3
correct 11:7,19,22 14:8
 16:10,13 22:8,9,12 25:15
 34:14 39:18 44:9 46:5
 47:3 49:16 52:8 55:17
 57:4 61:5 62:16 63:2,9,13
 65:20 68:23 71:7 75:24
correction 26:14
corrections 11:8,10 13:7
 65:24
correctly 30:21 50:1 51:20
 60:4 61:22 62:5
correspondence 22:5
corroboration 35:19
Counsel 19:25 22:10 75:15
counsel's 74:9
counseled 33:1
count 22:15
counter 30:17 58:22 69:22
 70:24
county 7:24 8:2,9 9:6,18
 10:18 11:23,24 12:5,12,18
 13:7,15 26:17 27:10,17
 28:7,21 36:14 72:11,22
 75:22 76:17,22,23 77:1
county's 75:21 76:4
couple 38:20 75:16
course 11:6,11,17,20 12:2,
 4
courses 12:15
court 19:20,22 39:24 73:5
cover 28:24,25
CPR 12:15
criminal 6:21 8:7,12 11:13
 12:24 17:14
criminally 16:7
cross 24:22
cuff 24:12,16 25:2,9 53:22
cuffed 25:5
cuffs 30:21
current 67:24
currently 12:9
customers 8:23
cut 7:15 16:4
cutting 7:21

D

Dana 78:19
dangerous 66:10,11,14,19
dated 22:5 26:7
dates 7:9
day 14:1,2 59:17,22,23
 60:1
day-to-day 29:24
days 17:17
dead 66:5
deadly 65:16 66:3
dealing 74:17
decide 36:25
decided 69:2 70:13,15
deciding 69:9
decision 69:25
declaration 42:16
Dee 78:19
defendant 6:8
degree 6:18,19 8:13 11:14
depend 25:7
depends 23:10 24:2,8 25:3
depicted 46:18
deposed 6:9
deposition 74:21 76:19
 77:2,17
describe 30:13 45:1
described 44:17
describing 44:24
desk 44:12,19 45:11 48:10
details 68:1,10,11
Detainees 39:25
determination 20:22
determine 74:12
dialogue 48:24 49:11 69:1
 77:11
differ 28:12,13 29:7
differed 28:18
difference 28:4,8 29:16
different 8:15 12:14,15
 23:9 24:24 28:24 29:18
 30:8 36:10 42:15 47:1
discharge 12:17 72:5
discipline 78:15
disciplined 9:6 32:17
 34:19
discovery 20:12
discretion 36:13 71:5,8,10
discrimination 18:12 19:9,
 14,18 22:1 72:6,16 73:6,
 12,21 74:11,15 78:18
discussing 52:15,17

E

dishonesty 9:16
disparate 76:2
disposition 78:24
disrespectful 61:21 62:4
disrupt 23:7,14,19
disruption 36:9
disruptive 62:4
District 19:22
disturbance 23:5
document 39:23
doing 57:19 60:7
door 24:21 32:11 35:24
 50:8 54:3 69:14 70:6 71:7,
 14
doorway 24:11 31:24
 53:12,18 54:1
dress 70:24
drunk 14:4 36:8 64:5
duly 6:8
duty 41:1 51:10

ear 55:8
easier 54:25
education 6:16
effect 26:10
either 12:4 17:2 63:25
elbow 14:17 15:2 16:5
employer 52:13
employment 7:6,10,12,20
 8:1,6
engaged 16:9
engaging 34:4 55:22
enter 38:19
entered 70:22
entry 16:15,16 17:2,13
escalating 35:21
escort 62:3,18,21
establish 27:9
event 45:17
events 44:17,25 45:10
 70:22
eventually 16:11
everybody 14:3
everyday 28:14 33:4
everyone's 28:14
evidence 15:10 64:16 73:9
 74:7,13 75:20 77:6,9
exactly 54:23 55:7
EXAMINATION 6:10
examined 6:9
example 28:17 29:3,5
 65:22

exchange 64:2
exhibit 17:6,7 21:8,10,23
 22:14 25:16 40:5,13,16
 42:20,21 46:22,23
exhibits 16:14,15 17:10
expect 68:20
expected 26:13
experienced 15:21,24
 28:20
explain 52:11 69:3
explained 50:3 61:18
 70:19
explanation 75:9
exploration 76:8

F

face 47:15 58:17
fact 77:7
facts 15:9 64:16
fail 11:4
failing 32:17
fall 53:3 66:25
False 65:23
familiar 47:22
family 10:11
far 8:4 9:7,10,14 35:21
 78:22
feel 10:6 20:14 41:21,22
 42:8 45:12 73:24
feeling 41:19
fell 31:4,20,21,22,23,24
 32:14 34:25 35:12 63:6,17
 71:23 72:1,3
female 48:13
field 6:20 8:8,13
file 18:12 19:17,20 21:7,
 23,24 25:24 32:20 40:7
 60:10,11
filed 9:24 17:13 74:3
fill 61:10
find 20:3 74:5
fine 21:20 77:18
finger 59:3 62:1 70:17
finished 61:3
finishing 60:5
fired 9:8,11 18:9 72:11
 73:6 76:5
first 27:8 51:23 52:6 59:19
 70:5
five 13:1 31:9 32:16,22
 34:21
flag 69:21,23
floor 12:19 56:22 57:3,7
 64:7,10,13,22,24 65:8

66:17,18,22 67:5
flyer 47:21
focus 44:5
follow 26:14,20 27:13,21,
 25 32:2,18 74:4
followed 9:21 28:6 32:23
following 36:12,15
follows 6:9
force 9:22 10:16 11:18
 14:10,13 15:20,25 16:8
 20:21,23 23:25 25:20
 26:3,11,19 27:1,14,19
 28:2 34:19 39:21,24 41:7
 44:18,25 59:24 60:18 61:6
 64:8,14,21 65:9,16 66:3
 68:24 69:4 72:11,12,14
 76:6,9,10 77:8 78:7,22
forcibly 56:21 57:14
forehead 16:4
form 38:24
four 8:18 46:18 47:1
 69:14,20
frame 47:3,10 54:5,19
 58:3
free 51:5
frequent 47:21
fresher 63:21
Fri 49:18
front 37:12 48:6,10 58:23
 78:25
frozen 55:24
fuck 26:19 27:2,11,15 62:1
full 47:20,22
further 21:16 37:17 58:13
 75:9 76:8 77:3,11

G

GERHARDSTEIN 6:2,11
 14:21 15:7,13,15 16:17,
 20,23 17:1,5,9,12 19:25
 20:5,8 21:3,5,12,15,20,21
 22:12,15,18,22,24 26:1
 40:4,7,10,15 42:6,19,23
 43:15 45:6,8 46:16,21,25
 48:21 49:2,5 56:1,4 57:21
 64:20 67:14,23 68:8 72:20
 75:13,25 76:24 77:5,18,21
 78:2,13
gesture 59:1
getting 8:12
girl 10:14
give 15:8 21:1 28:17 33:24
 38:3 68:5,13 74:9 75:2,3
given 32:11

go 11:2,5 13:22 14:1 15:16
 20:25 21:6 24:10,11 25:16
 39:8 40:23 51:18 58:1
 60:9,13 75:5 76:15
goes 53:2 61:24
going 10:8 15:11 16:1,17
 21:5 24:19 28:16 31:1
 36:10 39:5 41:10 42:9
 48:17 52:19 56:18 58:12
 60:9,13 65:12 67:15,19
 68:1,9 74:8 75:8 76:3,4,
 18,19,20,23,25 77:3,4,12
grab 34:13 36:25 37:8
 38:20 71:5,22
grabbed 34:12,25 36:19
 37:7,12,14,24 39:1 53:1
 62:2,7,9,14 63:8 64:4
grabbing 36:12 38:3,6
 39:3 43:3,7 52:24 54:15
Grant 53:23,24 54:12,15,
 19 55:19 56:20 57:13,19
 58:14 65:4,12
Grant's 55:10
ground 35:12 39:6,11,15
 41:10,12 62:19,23 63:1,6,
 15,17 71:23
guess 49:3 51:14 74:4,20
Gumf 33:8
Gumfel 33:8
Gumpf 30:6 33:7,9,10,12
 55:20
guys 76:11

H

hair 7:15,18,21
hall 16:1 24:22 25:1 35:4,
 11 47:12 71:15,23
hallway 47:9
hand 57:14,22 58:15,16,25
 66:18 70:11,16
handcuff 41:19 56:12
handcuffed 62:20
handle 23:8
handling 11:25 65:22
hands 24:13 34:9,11 56:20
 57:24
happen 29:10 37:12 76:18
happened 19:4 30:10
happening 16:21 66:7
harming 38:16
he'll 77:19
head 14:17 15:2 38:13
 54:1,15,20 55:1,4,11,16
 56:21,23 57:1,6,11,14,22
 58:1,7,11,15,18,20 64:7,9,

13,22,23 65:8,13,15 66:2,
10,12,15,17,22 67:3,4,7
heads 67:12
hear 42:25 43:20,21,25
44:1,8 48:19 50:12 62:12
heard 43:12,18 48:23,25
49:11
help 13:2 47:17 74:9
HENDERSON 6:3 46:14
68:7 72:17 77:25
highest 6:15
hired 10:20
hissself 23:19
hit 56:21,23 57:1,9,11
58:11 64:7,9,13,21,23
66:5,15,18,22
Hobbs 6:7,13,14 15:16
17:2 20:9 21:22 22:25
25:21 40:17 46:17 49:6
56:6 67:24 77:23 78:11
Hobbs' 76:21 77:4
holding 61:15
Holsmer 78:19
honest 68:21
honor 68:10
hours 17:19 60:24 61:14
house 18:6
Huh 48:21
hundred 42:14
hurt 66:22
hurting 66:25

I

idea 59:15
identification 17:8 21:11
40:14 42:22 46:24
images 65:10
immediate 64:3 69:1
important 63:18
imposed 17:18
in-services 12:12 39:20
incident 27:7 46:1
include 41:2
included 41:4
incurred 15:25
indicate 19:12
indication 64:1
individuals 13:25
industry 68:10
information 60:5,7
initially 31:10
injuries 14:16,23 15:2
inmate 13:14 23:4,12,20,
24 24:3,11,12,20,22 25:1,

2,9 26:19 27:1,11,15,19,
23 28:2 29:25 33:17,25
34:4 36:17 42:11 47:7,13
49:7,22 50:2,9 51:8,9,11
61:15,16,18,25 62:2,8,9,
17 66:3,10,16 67:4,7 71:9
inmate's 64:6,13,22 66:16
inmates 11:25 13:22 22:25
23:3,15 28:19 29:17 31:9,
17,19 32:7,24 33:17 34:21
36:2,6 38:17 42:15 43:11
64:2
inner 18:7
inquiry 75:19 76:14,16
77:3
insight 21:2
instance 38:2
institution 6:24
instructed 63:11
intended 71:13
intending 35:16
intent 35:2,10 66:20 71:21
interacted 41:9
interacting 32:8 49:7
interaction 28:19 30:13,15
31:3,7 35:14 52:4 71:2
interactions 30:20
interview 30:18
interviewed 10:19
intoxicated 13:25 61:20
investigation 20:15
involve 67:3
involved 20:19,21 29:13
35:7
involvement 37:1
involving 33:18,25
irritated 30:14

J

jail 12:19 13:7,15 25:14
26:17 27:11,17 28:7,21
36:14
Javier 78:20
Jennifer 48:16
job 7:23 8:2,9,20 9:6,12,17
10:18 11:23 18:10 52:12,
13 56:16 67:24 68:4,16,18
jobs 8:10,15 9:5,9,14,17
12:18
judge 20:17
judging 72:10
jumpsuit 31:1 34:16 38:21
71:6
justice 6:21 8:7,13 11:13

K

keep 45:13,17 68:11
kids 10:3,13 18:7
kill 66:23
kind 8:20 10:23 12:7
13:22 51:2 74:22
knee 54:20,22,25 55:4,11,
13
kneeling 67:3,7,12
knew 15:19 16:3
know 7:3 14:23,25 15:17,
23 16:6 20:24 25:17
31:22,23,24 32:21 38:1,23
42:8,10,11,13,15 43:18
45:5 47:7,13,20 48:11
56:23 57:1,12,19 58:10,11
59:12 65:24 66:8 73:2
74:25 75:1,2 76:13 77:12
78:15

L

Lamonte 6:7,14
language 27:5 70:12,18
LAVALETTE 6:5
law 39:21
lawsuit 19:17,20 20:1,10,
12 74:3 75:23
lawyer 74:25
lawyers 74:12,17,25 75:11
lay 76:7
LCCC 61:24
leaning 54:21
learn 65:15 67:2
learned 65:21 67:8
leave 10:11 67:18 74:21
75:8,12
leaving 75:20
led 44:17,25
left 48:9 53:8 54:19 60:21
62:2,8,9
left-hand 47:10 55:3
legal 39:19 41:3
let's 67:18
letter 19:10
level 6:15 29:3
license 7:18
licensed 7:16 11:3
life 28:14
light 34:19
line 15:4 20:15 72:17
75:19
listen 44:11

little 37:10 47:14 56:18 69:3
location 8:25
long 30:7 70:21
longer 55:22
look 25:23 40:9 58:17
looked 58:20
looks 21:17 58:16,18
lose 52:13
lot 23:9 44:2
loud 23:13 43:10,19
low 43:23
lower 49:7
Lucas 11:24 12:5,12 13:7, 15 26:17 27:10,17 28:7,20 36:14

M

maintain 36:11
making 23:6,12 76:12
managed 29:16
manner 71:18
manual 25:14
Marcus 78:18
mark 30:5 46:21
marked 17:7 21:10,23 40:13 42:21 46:23
married 10:1
Marshall 42:12,17
Martinez 78:20
materials 12:3
Matt 53:23 54:3,11 57:19 65:12
matter 66:20 74:19
Matthew 53:24 54:12,15, 19 55:10,19 56:20 57:13 65:4
Mcgover's 53:8
Mcgovern 13:14 14:5,10, 16 15:20,21,24 16:9 23:2 26:11 27:8 30:11 31:7,20 32:1,6,8 34:8 35:14,17 36:19,24 39:11,12,16,17 41:7 42:1 43:1,2,6 44:13, 18 45:1 50:11,13,16 51:22 52:11,21 53:22 56:10 59:1,6 60:19 61:16,18,25 62:18 64:3,4 68:25 71:11, 19 73:7
Mcgovern's 54:15,20,25 56:20 57:6,14 58:15 65:7, 12
mean 8:7,19 10:25 18:24 29:4,5,8,9,10 41:17,24 45:14 56:25 66:24,25 67:1

76:1,12 77:15
meaning 70:16
meant 63:4
member 27:19,24
memory 34:14 52:8 63:23
mention 44:19
mentioned 78:18
mentor 18:7
Meyers 48:5 53:13,17 54:11
middle 59:3 62:1
military 9:3
mimic 58:25
mind 20:18 37:3
minute 21:19 44:6
module 14:1,4,5,12,14 23:7 31:14 33:17 42:24
moment 35:20 38:25
moments 45:25 64:4
morning 14:6 47:8
move 25:1 29:25 31:18 34:4 35:3 39:4 68:16 69:2, 6,9
moved 24:3 25:5 32:14 33:16 34:8
movement 41:22
moving 9:13 33:25
multiple 33:17
muscle 41:21

N

name 6:12 30:22 47:20,22 48:15
named 42:11
names 10:8
Nate 48:5 53:13 54:3,11
neck 39:7,8 53:8 56:25 57:25 71:25
need 20:6 21:15 23:21 45:17 50:25 51:2
needed 45:12 56:16
never 29:8 33:23 34:25 35:7 38:15 51:13
nigger 27:20 62:2
normal 13:25
normally 24:10
note 15:3
notice 59:16
November 13:6,10,13 14:10 22:5 23:4 28:20 30:4 61:3,4,7,10,14
number 20:1 50:25 62:3, 19

numbered 21:24 25:17,21 26:4
numbering 17:10
numbers 22:16
nurse 16:3 48:14

O

object 15:11,12 65:16
objection 14:19 15:4 42:4 43:13 45:3 57:16 64:15 68:7 72:18 77:25 78:1
objections 15:14
obviously 53:2
occurred 14:24 59:24 61:6
OCRC 19:3 21:7,23 26:3 40:7 60:10 75:23
office 11:16
officer 12:19 13:7 23:13 26:15 47:24 48:3,9 49:6, 19 50:3 53:14 55:18 60:6 62:20 71:5
officer's 66:18
officers 30:16,20 34:24 53:21 61:25 69:14,21 78:16
official 77:1
Oh 49:24
Ohio 6:1 7:2 19:7
okay 6:12 16:7,23 17:5 18:9 19:1 20:2,5 21:5,15, 20 23:11 24:16 25:18 26:7 29:15 37:3 40:2,12 44:5 45:18 46:17 47:7,23 49:24 50:5 51:19 52:19 54:8 56:8 60:2,9 67:20 72:14 77:19 78:6
old 10:5
Oliver 48:1,2
once 51:15 70:8 76:7
ongoing 20:14 72:7,23 73:1
open 24:21 50:8 67:18 74:21 75:8,20
operation 29:24
OPOTA 11:2,5,11,17,20 12:4
opportunity 37:4 77:14
options 23:8,9,16
order 24:22 38:20 50:24 51:11 75:8
orders 36:15
Oregon 7:2,4
outreach 18:7
Owens 6:25 11:12

P

p.m. 61:11
PACER 20:4
packet 21:9 22:4 26:3
pad 57:5
Padua 18:2,4
page 22:4,13 25:17,21 26:4,5
pamphlet 12:7
part 11:13,17,20 55:7,12, 15,16 56:25
particular 8:24 13:24 14:2 24:15 29:11 30:5 35:20 36:4 37:19,20,23 38:1,22, 24 39:3 71:1
pass 11:4
paused 58:3
pay 75:4
PDF 22:16
pending 19:23
people 10:10 36:3 68:22 77:8,10,22 78:21
period 44:12
permission 23:22
Perrysburg 7:4
person 36:4 48:12
personal 10:6
phone 35:22 50:20,21,22, 24 51:1,4,7,15 52:9,18 61:17,19 70:9,10 74:22,24
phonetic 33:8 78:19,20
physical 12:2 26:20 27:12, 20 39:12,17
physically 27:24
pick 44:4 51:16
picks 57:15
picture 55:6 57:9
pin 50:25 51:3
place 24:12
placement 65:7
plaintiff's 17:7,11 21:10 40:13 42:21 46:23
play 43:22 58:4,12
playing 48:18,22
please 6:12 10:12 15:22 78:14
pod 43:11
point 15:24 50:6 52:3,9 55:21 56:5,10 58:17 59:13 76:20
policies 25:19 28:18
policy 26:23 27:16 28:3,9, 11,14,22,24,25 29:6,10,

12,14,18 32:4,18 33:4 41:4

posed 39:12,16
position 56:13 71:17
positions 8:12,18
post 8:24
potential 36:16 68:5,14
practice 32:23
prefer 20:11 72:24,25
prepared 60:17
present 25:10 53:22
presenting 24:13
presumes 15:9 64:15 76:17
pretext 76:6 77:2
pretrial 13:14 39:24 51:8
pretty 42:2
printed 16:16
prior 7:5,8 8:2,9,12 9:5,17 16:6 38:3,6 39:10,15 41:6, 10 43:3,7
probably 21:1 30:9 37:11
probation 17:18,21
problem 36:16
procedures 25:20 32:2
process 30:23,24 40:20
produced 21:7
proof 73:4,16,21 74:2 76:4
provide 20:2 40:25
provided 74:13
provocation 26:20 27:13, 20
provoke 27:25
pull 71:6,14,21
pulled 53:2
pure 63:23
purposely 37:7 72:2
pushing 56:24
put 10:8 23:18,20,24 29:25 31:2,5 34:9,11 35:23 70:1, 13,15 71:9,14
puts 57:15
putting 61:15 71:25 73:24 74:1

Q

question 19:5 25:4 26:2 27:10 29:22 35:7 44:22 56:2 64:18 72:19 73:11,18 74:7
questioning 15:5 20:15
questions 11:3 67:16 74:18 75:7,14,15 77:14

quicker 37:11
quitting 9:13

R

race 72:5,15 73:6,21 74:10,14 76:4
racial 73:10
racism 75:22
raising 59:3
RANAZZI 6:4 14:19 15:3, 9 20:3,25 22:10,13,17,20 25:23 42:4 43:13 45:3 55:24 57:16 64:15 75:16 76:16,25 77:13 78:1
reacted 37:11
reacting 64:2
reaction 37:10
read 56:1,3 61:22 62:5
reality 28:9,11,15,23,25 29:24 33:4
really 28:16 68:15 73:20 75:11,12
realm 9:1
reason 28:1 35:16 73:14
reasonable 19:13
reasoning 27:6
recall 9:7,10,11,15 12:1, 13,16,22 19:15 39:22 40:18 49:19,25 50:1 66:4, 6,7 67:6,11,12
receive 25:13
received 78:16
recess 67:21
recognize 46:17
recollection 63:22
record 10:7 21:1,4 25:25 45:20 46:2,15 55:25 56:3 75:8 77:6,10
red 69:21,23
reference 62:22
referring 26:6 45:15 63:5
refusal 26:20 27:13,21
refuse 27:25
refused 30:23
refusing 73:19 74:6
regarding 75:21
regards 76:22
relate 20:23
relevance 20:16
relevant 73:1 74:7
rely 68:22
remember 8:11 9:13 30:17,18,21,22 31:1 38:25 40:19 50:18 51:2,6,20

52:14,15,16 60:4
remove 14:13 29:19 36:17
 71:8,10
removed 14:12 31:3
removing 27:4,6
repeat 27:22 64:18
report 59:16,22 60:3,14,17
 61:10,13 63:5
reported 45:10
REPORTER 6:6 16:19,
 22,25 21:14,17 40:6,9,12
 78:10
reports 59:20 63:19 68:5,
 14,19,21
representatives 72:23
represents 20:9
request 68:11
resist 62:18,21
resistance 62:23 63:4,5,11
resisting 41:7,13,17,24,25
 62:25
respect 16:9 18:15,22 19:3
 29:17 31:12,25 32:9,24
 39:21 71:18 72:10
response 76:17 77:4
result 15:20 16:8
resulted 15:25
retraining 32:25
returned 44:12 58:21 61:9
review 50:15 51:21 52:10
reviewed 44:7 63:24
right 11:18,21 13:8,15,19
 14:7,11,14,17,18 15:2,21
 16:2,9,12,20 17:1 19:10,
 11 20:4,7 22:7,17,23 26:8
 29:13 32:7 34:6 35:3,5,9
 37:15,18,22 38:1,21 39:7,
 13,17 41:14 43:22,25
 45:6,14,25 46:10,12 47:2,
 25 48:17 49:2,15 51:12
 53:3,4,9,17,19 54:6,9
 56:6,15,16 57:3,7,15,23
 58:2,3,5,12,15 59:4 60:3,
 13,22 61:4,7,11 62:14,15
 63:1,8,12,15,19 64:22
 65:6,9,19,22 66:13,19,24
 67:14,25 68:6,14,18,20,22
 74:20 75:6 76:16 77:14
 78:4
right-hand 49:8 50:7
rights 19:7 75:23
risk 39:11,16
road 27:9
roll 39:20 40:20
rolling 48:12

rule 25:13
rules 26:14,18 27:9,18
 28:6 51:1
ruling 19:8

S

safety 39:12,17 62:20
 69:18
saving 60:7
saw 49:17 65:4
saying 8:5 27:2 41:12,13,
 16,23 46:3 58:11 64:25
 73:14,18
says 78:25
scenario 23:10,11,17
 24:15,19,25 36:10
scenarios 28:25
scene 46:18
schools 18:8
scrape 16:5
screen 16:18 17:3 21:6
 39:25 42:17 46:13 47:24
 48:7 49:3,8 50:7 58:23
 60:11 67:18
screens 46:18
second 21:1
section 12:20 26:3
secure 67:11 75:10
security 7:7 8:8,10,11,14,
 16,18,20,22 9:1 67:25
 68:6,14
see 16:22 17:2 20:16 21:12
 25:19,22 26:2,5 36:1,5,16
 37:21,22 39:23 40:1,3,18
 42:16,18 46:12 47:15 50:6
 54:17,18,21,22,25 55:2,5,
 14 57:22,24 58:1,3,6
 60:15 65:11 75:9 77:16,19
seeing 37:21 40:19
seeking 24:25
seen 36:3 37:24 40:16
 56:24
self-employed 7:13
sent 32:25
sentence 17:16
sequence 70:12
sergeant 30:1 33:18 34:1,5
 41:1 45:23 46:5,9 55:20
sergeant's 23:21
sergeants 33:7,12,16,20
served 33:12
serves 34:14
service 17:19 18:1
services 18:16

set 51:5,18
setting 29:11 51:10
shabang-bang 69:18
share 16:18 21:6,16 49:3,4
sharing 21:13 25:18
Sheriff 22:6
sheriff's 11:15 25:13
shift 30:5 50:4 59:25
 60:22,25
short 67:15,19
shoulder 62:3,8,9
show 40:21 57:10 73:5
 76:6
showed 37:20 53:23
showing 21:22 22:3
shows 53:6
shut 32:11 35:24 70:5
shutting 70:6
side 17:11 58:16
significant 64:8,14,21 65:8
similar 78:22
simply 27:2
single 17:10 23:18,21,25
 24:4,21 25:1 31:5,15 32:2
 33:18 34:18 35:17,24
 44:13 52:1 62:3,19 69:7,
 10 70:1,14,15 71:9,14,20,
 22
sir 8:5,11 9:7,10,15 10:6,
 10 12:22 14:23 15:17,22
 18:21 19:6,16 20:14 23:10
 24:2,6,23 25:3 27:22
 28:22 29:5,14 30:2,12
 31:16,22 32:19 33:2,23
 34:2,10 35:15 36:21 37:19
 38:5,8,10,12,15,18,22
 39:14,22 40:18 41:15
 42:13 43:17 45:12 51:13
 54:16 56:23 57:8,20 59:14
 60:4 62:13 63:21 64:5,10,
 19,24 65:2,5,10,17 66:6,
 20 67:6,13 68:15 69:7
 70:19 72:1,7,22 73:2,8,17,
 19,22 74:4,25 78:5,9,16
sit 37:2 66:9
site 8:22
sitting 78:4
situation 13:24 24:2,8,9
 25:3 35:21 36:23 37:5
 51:7 73:25 74:1
situations 24:23 33:5
slot 24:13,17
slower 37:10
sole 27:5 75:19
solid 65:16

solving 30:1
somebody 66:5
someone's 41:23 66:21
sorry 13:5 18:3 25:8 62:8 78:10
sort 51:1 54:8
sound 13:19
sounds 74:6
source 9:22
specific 7:3 11:24 27:7 30:12
specifically 12:13,16 14:3 51:6 52:16
specifics 9:14 51:15 52:15
speculation 14:20 15:6 42:5 43:14
spitting 38:9
split-second 69:25
staff 27:19,24 61:24 62:4
stamped 22:11,20,23
stand 56:8 66:24
standing 8:24 50:8 55:18 58:22
start 12:21 59:18,23
started 25:14 30:19 59:25 61:2 69:24 70:2
starting 25:20 26:4 30:18 52:20
state 6:1,12 10:22,24 11:1 61:13
stated 71:3
statement 45:1 46:9
statements 23:6,12 46:8 48:23
States 39:24
status 20:24
stepped 37:17 52:22,23
steps 24:7 37:22,25 38:20, 23
stood 55:21 56:11,12
stooped 70:6
stop 41:12 48:24
stores 7:7
strike 66:10,11
strikes 66:17
striking 38:7 65:15 66:2 67:4
struggle 31:4
stuff 10:10 76:7
subject 11:21 65:14,18 67:9
sue 19:10,12
suffered 14:16
supervisor 29:12 30:3,7 33:13

supervisors 36:14
supposed 36:17 63:3
Supreme 39:24
sure 7:3 12:6 20:6 21:3 47:20 51:14 55:11 67:10 75:17 76:13
surprised 34:18 42:2
suspect 76:2
suspended 17:18
sworn 6:8

T

tactics 12:2
take 10:21 11:2,11 67:15, 19 71:22
taken 62:19 63:1,14,16 67:21
takes 21:18 36:8
talk 32:10 68:15 70:7 72:8, 24 75:10
talking 15:14 31:10 32:9 41:18 44:24 45:16 47:4 49:20,21,22,23,25 52:8 56:5 62:22 70:3,18
tank 13:18,20,21,23 14:3 15:1 36:7 37:18 61:15 69:25 70:3
techniques 67:3
tell 24:4 28:10 30:10 33:21 45:21 46:3,4 55:7 57:2 59:11 65:11 68:17
telling 45:18 66:4
ten 30:8
tension 41:22
terminated 18:11 22:7 30:25 78:5
termination 18:13,15
test 10:21,22,23,24 11:1
testified 12:25
Thank 6:6
Tharp 22:6
things 35:19 44:3 65:21 69:11 78:22
think 12:24 21:18 26:22 28:8 35:13 40:6 45:16,18 49:22,23 50:1 52:7 54:18 55:2 58:9 60:5 72:13 74:10,14 77:23 78:6
third 60:21,24
thought 19:12 23:7,14
thoughts 42:9
threatening 38:11
three 8:17 59:14
threw 61:25 70:16

throwing 45:13,17 70:11
Thursday 49:18
tight 30:21
till 36:24
Tim 50:11
time 14:9,25 19:11 23:1 26:10 32:11 36:5,18 37:10,14,19,21,23 38:22, 24 39:3 41:9 44:13 47:3 49:17 59:18 61:19 70:22, 23 74:16 76:20
times 33:6,11,16 67:10
Timothy 61:16,18 62:18
titled 39:23
today 63:25 66:9
told 8:2 45:23 50:20 63:7 69:17 70:8
Toledo 7:2 30:20
top 47:25 54:19 55:3
touch 59:7
TPD 61:25
trained 10:15 11:18,21 65:25 66:2
training 11:5,25 12:5 65:14,19 67:2,8
trainings 12:14
transfer 24:1,20 29:13 31:14,25 34:23 35:11,17 71:19
transferred 32:7,24 34:17, 20 35:1
transferring 29:17 35:7
treat 31:6,13
treated 31:8,11 32:6 73:7 77:24 78:7,23
treating 31:7 32:5,9
treatment 76:2
trial 12:24
tried 63:21 70:5
trigger 77:11
truth 68:17
try 75:3 77:19
trying 27:8 29:3 30:22 32:12 35:3,23 37:7 38:13 41:19,20 44:5 50:2 53:3 56:11 66:22 68:10,16 69:6,9
turn 37:6,8,21,24
turned 36:25 37:16 38:25 58:20
two 10:14 34:23 36:5 66:7
typed 59:16
typing 59:9

U

ultimately 31:5
uncooperation 69:16
uncooperative 61:20
understand 29:2 72:25 76:1
understanding 8:4 19:5 26:24 29:21 32:19 34:3,20 65:3,17
understood 27:1 28:5 29:24
unfair 72:10
unfortunate 49:3
unhappy 35:22
uniform 70:24
union 18:17,25
United 39:23
unwritten 32:23 33:3
update 12:15
updates 39:19 41:3,5
upper 47:10 56:25
use 9:21 10:15 11:18 15:20,25 16:8 17:9 20:21, 22 23:25 25:20 26:2,11,18 27:1,14,18 28:1 34:19 39:21,24 42:25 43:10,25 44:8,17,25 46:4 50:21,22, 24 59:23 60:18 61:6 64:8, 14,21 65:8,23 69:4 70:8 72:11,12,14 76:5,9 78:22
use-of-force 26:14
uses 76:10

V

vacant 8:23
various 11:2 12:14
verbal 23:5,12 26:21 27:5, 13,21,25 33:24 38:4
video 37:20 41:21 43:22, 24 44:8,11 46:9,12,19,22 48:18 49:14 50:16 51:22 52:4,11,20 53:6 57:10 58:12 63:21,24
violations 17:23

W

wait 36:24 37:8
wake 36:9
walking 36:19,21 37:3,15
wall 50:23,25 78:18
want 10:7 12:1 15:3 20:4, 23 34:14 45:19 51:25 58:4,9 68:15,21 73:3,4,15

74:21 75:4,11,17 77:16,17
wanted 50:22 52:12
warn 33:21
warned 32:25
warning 33:25
wasn't 27:3,4 31:23 35:20 36:4 38:6,9,11,13,16 41:7 44:2 50:20 63:11,16 69:22 70:19 71:1,2,24
watch 44:11 50:14 52:19
watched 49:14 63:20
watching 8:23 47:23
Watkins 48:1,2 49:12,19 53:14,18
way 15:1,11 20:9 24:20 28:5,6,18 29:11,16 31:8, 11,14,16 32:6 34:20 37:13 44:11 48:19 51:23 52:5 62:24 63:10 71:11,12,13 73:6
ways 53:18
we'll 46:21 67:17 74:20
we're 21:5 25:18 36:16 41:18 47:23 48:18 49:10 50:5 52:3,19,20 56:5 67:14,19
we've 67:10
week 12:1 63:25
Wendy 16:18 40:5
went 14:4,25 31:14 39:2 57:11 58:7 63:20,23 65:18 70:9,23,24
weren't 56:16
west 13:18,20,21,22 14:1,6 15:1 23:1,5 24:16,20 32:1 35:17 36:2 37:18 47:9,12 50:8 53:12 61:15 69:25 70:3,25 71:20
white 28:15 29:9 76:10 77:22
WITNESS 17:4 48:20 49:1 78:12
word 27:23 42:25 43:3,7, 25 44:8,20 45:2,10,13,15 46:4 50:18 52:12 70:18
words 23:6
work 7:6 9:2 26:18 27:18 28:6 40:21
worked 12:20 32:16,22 34:21 51:7,15
working 12:25 13:11 26:15 33:15 34:5 51:11 60:21
works 51:14
worry 68:2

wouldn't 33:3 38:1 49:21 52:13
wrap 74:22
write 33:20 59:19,22 63:1, 19
write-ups 32:20
writing 59:12 60:2 62:25
written 28:7,15,18,23 32:3,4,18 33:23
wrong 33:21 35:13 71:18, 24
wrote 62:24

Y

yanked 42:2
yeah 22:15 26:7 36:22 40:1,3 42:18 47:5,18 55:14 69:8 73:18 75:25
year 12:22 17:18
years 12:15 13:1 30:9 31:9 32:16,22 34:21 59:15
yelling 23:6
Young 78:19

Z

zoned 36:4